



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

**JAN 21 2014**

UNITED PARCEL SERVICE

Mr. Kevin P. Sheridan  
HSE Regional Manager - Vinyls  
Westlake Vinyls, Inc.  
2468 Industrial Way  
Calvert City, Kentucky 42029

Dear Mr. Sheridan:

The purpose of this letter is to request information as part of a U.S. Environmental Protection Agency investigation to determine the compliance status of the Westlake Chemical, Inc. (Westlake) plant located in Calvert City, Kentucky with the Clean Air Act (CAA), 42 U.S.C. § 7401, *et seq.*

Section 114(a) of the CAA, 42 U.S.C § 7414(a), authorizes the Administrator of the EPA to require any person who owns or operates an emission source, whom the Administrator believes may have information necessary for the purposes of Section 114(a), or who is subject to any requirement of the CAA, to provide such information as the Administrator may reasonably require for the purpose of carrying out any provision of the CAA. This authority has been duly delegated to the Director of the Air, Pesticides, and Toxics Management Division, Region 4.

Therefore, pursuant to Section 114(a), Westlake is directed to respond to the enclosed Information Request (Enclosure A) within **thirty (30) days** of receipt of this letter except for those items specifying a different response time. The EPA, for good cause shown, may extend the deadline for responding to the request. You should respond to this Information Request as completely as possible. The response must be delivered to the EPA or postmarked no later than the above deadline. Send one complete copy of your response, including supporting documentation, to the following address:

Phyllis Warrilow, PE  
South Air Enforcement Section  
U.S. EPA, Region 4  
Atlanta Federal Center  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303

You are entitled to assert a claim of business confidentiality covering all or part of any required information except emission data, in the manner described at 40 C.F.R. §2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth at 40 C.F.R. Part 2, Subpart B. Unless a confidentiality claim is asserted at the time the required information is provided, the EPA may make this information available to the public without further notice to you. Notwithstanding the above, the information you provide may be used by the EPA



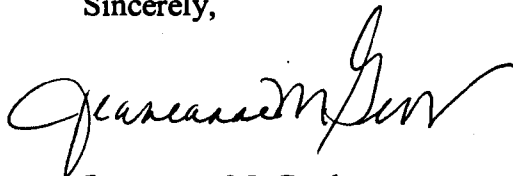
in administrative, civil, and criminal proceedings. See Enclosure B for confidential business information assertion and substantiation requirements. If there is a claim of confidential business information, you will receive a letter from the EPA inviting your comments on seven questions so that the EPA can determine whether such information is entitled to confidential treatment.

Failure to comply with this requirement to provide information is a violation of Section 114 of the CAA and could result in an enforcement action for the recovery of civil penalties not to exceed \$37,500 per day, per violation, or for injunctive relief or both. Section 113, 42 U.S.C. §7413, of the CAA gives the EPA the authority to seek criminal penalties from any person who knowingly makes any false statement, representation, or certification in any report required under the CAA.

This required submittal of information is not subject to the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. Chapter 35.

If you have any questions relating to this Information Request, you may consult with the EPA prior to the above specified time. Questions should be directed Phyllis Warrilow at (404) 562-9198 or by email at [warrilow.phyllis@epa.gov](mailto:warrilow.phyllis@epa.gov). Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeaneanne M. Gettle', written in a cursive style.

Jeaneanne M. Gettle  
Acting Director  
Air, Pesticides, and Toxics  
Management Division

Enclosures

cc: Jeffrey Cummins (w/ enclosure)  
Kentucky Department for Environmental Protection

Kevin Flowers (w/ enclosure)  
Kentucky Department for Environmental Protection





## **ENCLOSURE A**

The following questions pertain to the Westlake Vinyls, Inc. "Incident Review Form" dated September 12, 2011, that was provided as part of the response to the EPA Information Request dated March 12, 2012.

1. Was the piping that failed on September 12, 2011, tested for thickness prior to the incident? Please answer yes or no.
2. If the answer to question (1) is yes, provide dates and documentation for that thickness testing, also give a narrative explanation as to the nature of the thickness testing and results of that testing in a narrative format. Detail in words the steps Westlake used to maintain a safe facility with respect to this piping.
3. If the answer to question (1) is no, explain why no thickness testing was done. Detail in words the steps Westlake used to maintain a safe facility with respect to this piping if no testing was done prior to the incident.
4. Provide dates, narrative explanation and documentation showing all preventative maintenance including, but not limited to, non-destructive testing for piping involved in the September 12, 2011, incident from January 1, 2001, to September 12, 2011.
5. Was the piping that failed on May 26, 2011, tested for thickness prior to the incident? Please answer yes or no.
6. If the answer to question (5) is yes, provide dates and documentation for that thickness testing, also give a narrative explanation as to the nature of the thickness testing and results of that testing in a narrative format. Detail in words the steps Westlake used to maintain a safe facility with respect to this piping.
7. If the answer to question (5) is no, explain why no thickness testing was done. Detail in words the steps Westlake used to maintain a safe facility with respect to this piping if no testing was done prior to the incident.
8. Provide dates, narrative explanation and documentation showing all preventative maintenance including, but not limited to, non-destructive testing for piping involved in the May 26, 2011, incident from January 1, 2001, to May 26, 2011.
9. Was the piping that failed on March 3, 2011, tested for thickness prior to the incident? Please answer yes or no.
10. If the answer to question (9) is yes, provide dates and documentation for that thickness testing, also give a narrative explanation as to the nature of the thickness testing and results of that testing in a narrative format. Detail in words the steps Westlake used to maintain a safe facility with respect to this piping.



11. If the answer to question (9) is no, explain why no thickness testing was done. Detail in words the steps Westlake used to maintain a safe facility with respect to this piping if no testing was done prior to the incident.
12. Provide dates, narrative explanation and documentation showing all preventative maintenance including, but not limited to, non-destructive testing for piping involved in the March 3, 2011, incident from January 1, 2001, to March 3, 2011.
13. Please provide the citation, title and page of the piping maintenance standard used to justify the frequency of the piping inspections and type of piping inspections used prior to the incidents on March 3, 2011, May 26, 2011, and September 12, 2011.
14. Please provide the citation, title and page of the piping maintenance standard used to justify the frequency of the piping inspections and type of piping inspections used after the incidents on March 3, 2011, May 26, 2011, and September 12, 2011.
15. Please explain how the company is maintaining safe piping now. Give details of how often the piping thickness is checked for all piping used in Ethylene dichloride (EDC) and vinyl chloride (VCL) service. Discuss the preventative maintenance and leak detection methodologies used for piping of EDC and VCL?
16. Provide names and addresses of all maintenance contractors servicing the EDC and VCL piping from January 1, 2004, to present. Provide all maintenance contractor work orders pertaining to the EDC and VCL piping from January 1, 2004, to present.



## **ENCLOSURE B**

### **CONFIDENTIAL BUSINESS INFORMATION (CBI) ASSERTION AND SUBSTANTIATION REQUIREMENTS**

You may assert a business confidentiality claim covering all or part of the information you provide in response to this information request for any business information entitled to confidential treatment under Section 114(c) of the Clean Air Act (the Act), 42 U.S.C. §7414, and 40 CFR Part 2, subpart B. Under Section 114(c) of the Act, you are entitled to confidential treatment of information that would divulge methods or processes entitled to protection as trade secrets. Under 40 CFR Part 2, subpart B, business confidentiality means the concept of trade secrecy and other related legal concepts which give (or may give) a business the right to preserve the confidentiality of business information and to limit its use or disclosure by others in order that the business may obtain or retain business advantages it derives from its rights in the information. See 40 CFR §2.201(e).

The criteria EPA will use in determining whether material you claim as business confidential is entitled to confidential treatment are set forth at 40 CFR §2.208 and 2.301. These regulations provide, among other things, that you must satisfactorily show that: (1) the information is within the scope of business confidentiality as defined at 40 CFR §2.201(e), (2) that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, (3) the information is not and has not been reasonably obtainable by legitimate means without your consent, and (4) the disclosure of the information is likely to cause substantial harm to your business' competitive edge. See 40 CFR §2.208 (a)-(d). Emission data, as defined at 40 CFR §2.301(a)(2), is expressly not entitled to confidential treatment under 40 CFR Part 2, subpart B. See 42 U.S.C. §7414(c); 40 CFR § 2.301(e).

Information covered by a claim of business confidentiality will be disclosed by EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Act and 40 CFR Part 2, subpart B. EPA will construe your failure to furnish a business confidentiality claim with your response to this information request as a waiver of that claim, and the information may be made available to the public without further notice to you.

To assert a business confidentiality claim, you must place on (or attach to) all information you desire to assert as business confidential either a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as trade secret, proprietary, or company confidential at the time you submit your response to this information request. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and may be submitted separately to facilitate identification and handling by EPA. You should indicate if you desire confidential treatment only until a certain date or until the occurrence of a certain event.

In addition, EPA is providing you notice that if you assert a claim of business confidentiality for information you provide in response to this information request, EPA will determine whether such information is entitled to confidential treatment, pursuant to 40 CFR Part 2, subpart B. Accordingly, after EPA's receipt of your business confidentiality claim, you will receive a letter inviting your comments on the following questions:

1. What specific portions of the information are alleged to be entitled to confidential treatment? Specify by page, paragraph, and sentence when identifying the information subject to your claim.



2. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, specify that event. Additionally, explain why the information should be protected for the time period you've specified.
3. What measures have you taken to protect the information claimed as confidential from undesired disclosure? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity whether disclosure of the information is likely to result in substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
7. Is there any other explanation you deem relevant to EPA's determination of your business confidentiality claim that is not covered in the preceding questions? If so, you may provide such additional explanation.

See 40 CFR §2.204(e)(4). When you receive such a letter, you must provide EPA with a written response within the number of days set forth in the letter. EPA will construe your failure to furnish timely comments as a waiver of your confidentiality claim, consistent with 40 CFR §2.204(e)(1).







UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
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61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

MAR 17 2014

**OVERNIGHT AND CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mike Pumphrey, Registered Agent  
Tellus Energy, LLC  
Tellus Energy Group, LLC  
Tellus Operating Group, LLC  
602 Crescent Place  
Suite 100  
Ridgeland, Mississippi 39157

Re: Request for Information Pursuant to Section 114 of the Clean Air Act

Dear Mr. Pumphrey:

Pursuant to Section 114(a)(1) of the Clean Air Act (the Act), 42 U.S.C. § 7414(a)(1), and under authority delegated to the undersigned, you are hereby requested to provide the U.S. Environmental Protection Agency with information relating to Tellus Energy, LLC/Tellus Energy Group, LLC/Tellus Operating Group, LLC (Tellus) condensate tanks and/or condensate tank batteries associated with certain natural gas wells located in Mississippi. Please see Enclosure 4 for a list of the natural gas wells that are the subject of this information request. This information is needed to determine whether Tellus is in compliance with requirements of the Act and its implementing regulations, including, but not limited to, provisions related to air emissions of volatile organic compounds (VOCs). Section 114(a) of the Act, 42 U.S.C. § 7414(a), authorizes the Administrator of the EPA to require any person who owns or operates an emission source, whom the Administrator believes may have information necessary for the purposes set forth in Section 114(a), or who is subject to any requirement of the Act, to provide such information as the Administrator may reasonably require for the purpose of carrying out any provision of the Act. This authority has been duly delegated to the Director of the Air, Pesticides, and Toxics Management Division, Region 4.

Please review and follow the instructions in and, where required, complete the following enclosures: Instructions (Enclosure 1), Definitions (Enclosure 2), Claiming Confidentiality (Enclosure 3), Questions (Enclosure 4), and Statement of Certification (Enclosure 5).

The requested information shall be submitted to the EPA per Enclosure 1. The responses shall be submitted **no later than thirty (30) calendar** days after Tellus' receipt of this letter as determined by the date on the Certified Mail Return Receipt. This information must be submitted to the following individual:



Nicole Radford  
APTMD/AEEB  
U.S. Environmental Protection Agency Region 4  
61 Forsyth St SW  
Atlanta, Georgia 30303

Failure to provide the information required by this letter is a violation of the Act and may result in one or more of the following actions: (1) issuance of an order requiring compliance with this request; (2) issuance of an administrative penalty order pursuant to Section 113(d) of the Act, 42 U.S.C. § 7413(d); (3) commencement of a civil action in accordance with Sections 113(b) and 305 of the Act, 42 U.S.C. §§ 7413(b) and 7605; and/or any other action authorized under the Act.

***You May Claim Confidentiality***

Under Section 114(c) of the Act, 42 U.S.C. § 7414(c), and pursuant to the regulations found at 40 C.F.R. Part 2, Subpart B, including 40 C.F.R. § 2.301, you are entitled to assert a claim of business confidentiality for any information you provide to the EPA that involves trade secrets and Tellus regards as confidential business information (CBI). For such information, you may request that the EPA treat such information as confidential. Any such claim of confidentiality must conform to the requirements of 40 C.F.R. § 2.203(b). Note that "emission data," as defined by 40 C.F.R. § 2.301(a)(2), cannot be claimed as confidential under Section 114(c), 42 U.S.C. § 7414(c). For detailed instructions for claiming confidentiality, please see Enclosure 3. Information you supply under a claim of confidentiality will be treated as CBI to the degree determined appropriate according to the regulations. Please note that any confidentiality claim does not obviate the need to send that portion of the response to the EPA.

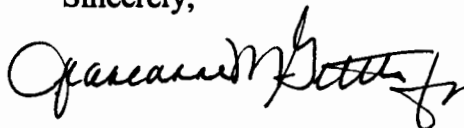
***You Must Certify Your Response***

You are required to attach a properly executed Statement of Certification to your response to this information request. The statement must be signed and dated. This statement certifies that the response submitted to the EPA is complete and contains all documents and information responsive to this request that are known to you, following a complete and thorough review of all information and sources available to you. Failure to properly certify, or submission of a fraudulent certification, may result in criminal proceedings against you. Please see Enclosure 5 for a Statement of Certification template for Tellus' use.

This request is not subject to the Paperwork Reduction Act, 44 U.S.C. §§ 3501 – 3520, because it seeks information from specific individuals or entities as part of an investigation.

If you have any questions regarding this matter, please contact Nicole Radford at (404) 562-9099 (email: radford.nicole@epa.gov).

Sincerely,



Beverly H. Banister, Director  
Air, Pesticides and Toxics  
Management Division



Enclosures: 1 – Instructions  
2 – Definitions  
3 – Claiming Confidentiality  
4 – Questions  
5 – Statement of Certification

cc: Jay Barkley, MDEQ



## **Enclosure 1**

### **INFORMATION REQUEST**

#### **INSTRUCTIONS**

Each of the following instructions applies to each and every question contained in Enclosure 4.

1. If Tellus has no responsive information or documents pertaining to a particular question, submit an affirmative statement and explanation.
2. If your response to a particular question requires a scanned or hardcopy document, you must identify the filename or document title. Make sure to correlate any hardcopy or scanned documents to a specific question. If a document is responsive to more than one question, this must be so indicated and only one copy of the document needs to be provided.
3. Tellus may choose to either submit documents in .pdf format or submit documents as hard copy documents. However, electronic submissions are preferred. Should Tellus choose to provide .pdf electronic documents, do not create separate .pdf files for each page of a single document.
4. Identify each person whom you relied on or consulted with in preparing your responses to each question of this information request. Provide their name, title, job duties and duration of employment with Tellus. If they are not an employee of Tellus, identify their employer and provide their name, title, job duties and duration of employment with their employer.
5. Identify each document consulted, examined, or referred to in the preparation of your response or that contains information responsive to the question, and provide a true and correct copy of each such document if not provided in response to another specific question. Indicate on each document produced in response to this information request the number of the question to which it corresponds.
6. If requested information or documents are not known or are not available to you at the time of your response to this information request, but later become known or available to you, you must supplement your response to the EPA within 30 calendar days of discovery of the responsive information. Moreover, should you find at any time after submission of your response that any portion is or becomes false, incomplete or misrepresents the facts, you must provide the EPA with a corrected response as soon as possible.
7. Provide a separate response to each and every question, and each and every subpart of a question, for each well site identified.





## Enclosure 2

### INFORMATION REQUEST

#### DEFINITIONS

The following definitions apply to each of the questions set forth hereafter and are incorporated therein.

1. The term “**condensate**” shall mean hydrocarbon liquid separated from natural gas that condenses due to changes in the temperature, pressure, or both, and remains liquid at standard conditions.
2. The term “**condensate storage tank**” shall mean atmospheric storage tank(s) that store hydrocarbon liquids (regardless of API gravity).
3. The term “**control device**” or its plural shall mean the air pollution control equipment used to achieve VOC emission reductions (*e.g.*, flare, enclosed flare, combustor, combustion device, vapor recovery unit, etc.).
4. The terms “**document**” and “**writing**” and the plural forms thereof shall mean all written, recorded or graphic matters, however produced or reproduced, of every kind and description, pertaining in any way to the subject matter of this request, and which are in Tellus’s possession, custody or control or to which Tellus has or has had access. The terms “document” and “writing” shall include, but are not limited to: any receipts; invoices; shipping records; purchase orders; purchase records; books; pamphlets; periodicals; memoranda (including those of telephone or oral conversations); contracts; correspondence; agreements; applications; financial records; security instruments; disbursements; checks; bank statements; time records; accounting or financial records; notes; diaries; logs; facsimiles (faxes); telegrams or cables prepared, drafted, received or sent; electronic mail (e-mail), whether drafted, received or sent; tapes; transcripts; recordings; minutes and notes of meetings; directives; work papers; charts; drawings; prints; flow sheets; photographs; infrared camera recordings; film; computer printouts; x-ray photographs; advertisements; catalogs; data; sampling reports, plans, protocols, reports, analyses; or any handwritten, recorded, transcribed punched, taped, filmed or graphic matter, however produced or reproduced.
5. The term “**flash emissions**” shall mean entrained natural gas vapors or other emissions that are released from hydrocarbon liquids when exposed to pressure drops, such as when condensate is transferred from production vessels to other vessels or to atmospheric storage tanks.
6. The term “**site**” or its plural shall mean the property, operations, facilities, and equipment, including condensate tanks and/or condensate tank batteries, presently owned and/or operated by Tellus and associated with certain natural gas wells identified in Enclosure 4.
7. The term “**tank vapor capture system**” or its plural shall include all vent lines, connections, fittings, valves, relief valves, thief hatches or any other appurtenance employed to contain and collect condensate storage tank vapors and transport or convey them to the emission control device.



8. The term **“working, breathing emissions”** shall mean those emissions that can occur as vapors are displaced from the condensate storage tank headspace when the tank is filled (working) or when there are temperature or pressure fluctuations in the condensate storage tank that volatilize lighter ends (breathing/standing).
9. The terms **“you”** and/or **“your”** shall mean Tellus, and all its agents, employees, representatives, investigators, accountants, auditors, attorneys, experts, consultants, and contractors. These terms shall also mean any others who are not listed above and are in possession, custody, or control (actual or constructive) of information relevant to this request or information that is otherwise available to Tellus, or who may have obtained information for or on behalf of Tellus.

All terms not defined in this enclosure have their ordinary meaning, unless such terms are defined in the Clean Air Act and/or its implementing regulations, and in which case the statutory and/or regulatory definitions apply. Words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions. The terms “and” and “or” shall be construed either conjunctively or disjunctively as necessary to bring within the scope of this information request any information which might otherwise be construed to be outside its scope.



### **Enclosure 3**

## **INFORMATION REQUEST**

### **CLAIMING CONFIDENTIALITY**

You may assert a business confidentiality claim over all or part of the information you provide in response to this information request for any business information entitled to confidential treatment under Section 114(c) of the Act, 42 U.S.C. § 7414, and 40 C.F.R. Part 2, Subpart B. Under Section 114(c) of the Act, 42 U.S.C. § 7414(c), you are entitled to claim information that would divulge methods or processes entitled to protection as trade secrets as confidential business information (CBI). Under 40 C.F.R. Part 2, Subpart B, business confidentiality means "the concept of trade secrecy and other related legal concepts which give (or may give) a business the right to preserve the confidentiality of business information and to limit its use or disclosure by others in order that the business may obtain or retain business advantages it derives from its rights in the information." *See* 40 C.F.R. § 2.201(e).

Information covered by a claim of business confidentiality will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Act, 42 U.S.C. § 7414(c), and 40 C.F.R. Part 2, Subpart B. The EPA will construe your failure to furnish a business confidentiality claim with your response to this information request as a waiver of that claim, and the information may be made available to the public without further notice to you.

To assert a business confidentiality claim, you must place on (or attach to) all information you desire to assert as business confidential either a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential" at the time you submit your response to this information request. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and may be submitted separately to facilitate identification and handling by the EPA. You should indicate if you desire confidential treatment only until a certain date or until the occurrence of a certain event.

The criteria the EPA will use in determining whether material you claim as business confidential is entitled to confidential treatment are set forth at 40 C.F.R. §§ 2.208 and 2.301. These regulations provide, among other things, that you must satisfactorily show that: (1) the information is within the scope of business confidentiality as defined at 40 C.F.R. § 2.201(e); (2) that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; (3) the information is not and has not been reasonably obtainable by legitimate means without your consent; and (4) the disclosure of the information is likely to cause substantial harm to your business's competitive position. *See* 40 C.F.R. § 2.208(a)-(d). "Emission data," as defined at 40 C.F.R. § 2.301(a)(2), is expressly not entitled to confidential treatment. *See* 42 U.S.C. § 7414(c); 40 C.F.R. § 2.301(e).

If you assert a claim of business confidentiality in connection with information and documents forwarded in response to this request for information, in accordance with 40 C.F.R. § 2.204(e)(4), the EPA is requesting that you answer the following questions below with respect to any information or document for which you assert a claim of business confidentiality concurrent with your response to this information request.

1. What specific portions of the information are alleged to be entitled to confidential treatment?  
Specify by page, paragraph and sentence when identifying the information subject to your claim.



2. For what period of time do you request that the information be maintained as confidential, *e.g.*, until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, specify that event. Additionally, explain why the information should be protected for the time period you have specified.
3. What measures have you taken to protect the information claimed as confidential from undesired disclosure? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available material such as the internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity whether disclosure of the information is likely to result in substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
7. Is there any other explanation you deem relevant to the EPA's determination of your business confidentiality claim that is not covered in the preceding questions? If so, you may provide such additional explanation.
8. Explain why any information that you claim as business confidential information should not be considered "emission data" as defined in 40 C.F.R. § 2.301(a)(2).

You must furnish answers or comments to the above questions concurrent with your response to this information request if you have claimed any information as business confidential. *See* 40 C.F.R. § 2.204(e)(2). The EPA will construe your failure to furnish timely answers or comments as a waiver of your confidentiality claim, consistent with 40 C.F.R. § 2.204(e)(1).

Pursuant to 40 C.F.R. § 2.205(c), you are hereby advised that information you submit as part of your answers or comments may be regarded by the EPA as entitled to confidential treatment if, when it is received by the EPA, it is marked in accordance with 40 C.F.R. § 2.203(b). As required by 40 C.F.R. § 2.204(e)(6), you may assert a business confidentiality claim covering all or part of your response to these questions, as provided in 40 C.F.R. § 2.203(b). Information covered by such a claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Act, 42 U.S.C. 7414(c), and 40 C.F.R. Part 2. The EPA will construe the failure to furnish a confidentiality claim with your response to this information request as a waiver of that claim, and the information may be made available to the public without further notice to you.





## **Enclosure 4**

### **INFORMATION REQUEST**

#### **QUESTIONS**

Provide the following information using the instructions and definitions provided in Enclosures 1 and 2. A response must be sent to the EPA within thirty (30) calendar days after Tellus receives this request.

**Each question in this request covers the well sites identified below by American Petroleum Institute (API) number.** Please provide responses to the questions separated by well site and question.

- A. API #23-129-20340-0000; Anadarko 5-2; Smith County, Mississippi
- B. API #23-129-20355-0100; Tellus-Stampede 5-8, Stampede; Smith County, Mississippi
- C. API #23-153-20841-0100; Hiwannee 17-8; Wayne County, Mississippi

1. Provide a detailed discussion of where and how the condensates are separated from the full well production stream and how the condensates are handled, as well as their destination after they are separated. Your response should include, but not be limited to, whether the full production stream is separated at the well site or any other location, and include the name, address and contact information of the location where the condensate is separated and where it is stored.
2. Provide copies of the following documents and writings related to the site:
  - a. All federal and/or state permits, general permits, registrations, notifications, authorizations, and/or determinations (including any claimed exemption authorizations which do not require notification) relating to federal and/or state permitting applicability pursuant to the Clean Air Act and its implementing regulations;
  - b. All permit applications, supporting materials, and correspondence with any federal and/or state permitting authority regarding the approval or disapproval of such applications, registrations, notifications, authorizations, determinations, or permits; and
  - c. All information, analyses, calculations, and correspondence utilized in concluding that a permit, registration, notification, authorization, and/or determination was or was not required under the Clean Air Act.
3. Provide copies of all documents and writings that refer, pertain, or relate to:
  - a. Estimates or calculations of VOC emissions at the site, including, but not limited to, estimates generated by process simulator software and direct measurements; and
  - b. The site's potential to emit (PTE) for VOCs; and/or the API Gravity and Reid Vapor Pressure (RVP) (psia) of the condensate.
4. Provide monthly data for actual condensate throughput (in barrels) from January 1, 2009 (or from the first date of operation if the site was not yet operational) through the date of this request for each condensate storage tank at the site that did or does receive and store condensate.
5. Provide copies of all documents and writings that reference an emission factor for VOCs from condensate storage tanks (in any unit of measure, including, but not limited to, pounds of VOCs per barrel of condensate produced).



6. Provide engineering process flow diagram(s) (PFDs) of the site. The PFDs shall include any tank vapor capture system(s) and emission control device(s) and identify the location and settings of each pressure relief valve and each thief hatch installed on each condensate storage tank and connecting vent system(s).
7. Identify the type, make, model, serial number, rated control efficiency, rated vent gas throughput capacity, date of installation, and date operation commenced for each VOC control device and tank vapor capture system for the condensate storage tank(s) at the site. Identify the peak flow rates of both flash gases and total gases to each control device.
8. Identify the dates of installation and describe all existing or planned installations of buffer tanks, vapor recovery towers, tank vapor capture systems, or other units/equipment designed to minimize flash emissions or the potential for over-pressurizing the site's condensate storage tank(s).
9. If you own or operate the well site and engage in full well production stream condensate separation activities (regardless of the location of the separation activities or the condensate destination), then provide the estimated working, breathing, and flash emissions (in tons per year) from each of the site's current condensate storage tanks using API E&P TANK, Version 2.0 or later. The software inputs shall be based on analyses of representative pressurized liquid and gas samples from the pressurized vessel immediately upstream of the condensate storage tanks. Software inputs will be deemed non-representative if they are: obtained from the Geographical Database of sampled sites; liquid and gas samples collected from process vessels other than the pressurized vessel immediately prior to the condensate storage tanks; or are liquid and gas samples gathered more than 12 months prior to the date of this request. Provide copies of the input data, all documents and writings relied upon for the input data, and the generated model output data (*i.e.*, include a complete printout of the report and not just the results page).
  - a. To conduct representative pressurized liquid and gas sampling and analyses, provide an extended hydrocarbon liquid analysis sampling plan for review and approval no later than 15 calendar days prior to conducting the sampling. The sampling plan shall identify the sampling protocol(s), analytical method(s), and schedule of sampling locations.



**Enclosure 5**

**INFORMATION REQUEST**

**STATEMENT OF CERTIFICATION**

**I certify that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my personal inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Act, 42 U.S.C. § 7413(c)(2), and 18 U.S.C. §§ 1001, 1341 and 1505.**

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Date)





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

**UNITED PARCEL SERVICE**

**MAR 21 2014**

Mr. James D. Levine  
McKenna Long & Aldridge  
Jacobson Companies  
303 Peachtree Street, NE  
Suite 5300  
Atlanta, Georgia 30308

Dear Mr. Levine:

This letter follows the request for information issued by the U.S. Environmental Protection Agency to Jacobson Companies (Jacobson) on February 21, 2013, seeking information about Jacobson's compliance with the Clean Air Act (CAA or the Act), 42 U.S.C. § 7401, *et seq.*, at its facility located at 3060 South Park Boulevard, Ellenwood, Georgia. Based on its review of Jacobson's response to the information request, and on additional investigations conducted, the EPA has determined that it needs additional information for purposes of determining Jacobson's compliance with the Act.

Section 114(a) of the CAA, 42 U.S.C § 7414(a), authorizes the Administrator of the EPA to require any person who owns or operates an emission source, whom the Administrator believes may have information necessary for the purposes set forth in Section 114(a), or who is subject to any requirement of the CAA, to provide such information as the Administrator may reasonably require for the purpose of carrying out any provision of the CAA. This authority has been duly delegated to the Director of the Air, Pesticides, and Toxics Management Division, Region 4.

Therefore, pursuant to Section 114(a), Jacobson is directed to submit a full and complete response to the enclosed Second Request for Information request within **thirty (30) days** of receipt of this letter. The EPA, for good cause shown, may extend the deadline for responding to the request. The response must be delivered to the EPA or postmarked no later than the above deadline. Please send one complete copy of Jacobson's response, including supporting documentation, to the following address:

Lornette Harvey  
South Air Enforcement Section  
U.S. EPA, Region 4  
Atlanta Federal Center  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303





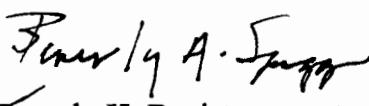
Jacobson is entitled to assert a claim of business confidentiality covering all or part of any required information except emission data, in the manner described at 40 C.F.R. §2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth at 40 C.F.R. Part 2, Subpart B. Unless a confidentiality claim is asserted at the time the required information is provided, the EPA may make this information available to the public without further notice to you. See Enclosure C for confidential business information assertion and substantiation requirements. If there is a claim of business confidential information, you will receive a letter from the EPA inviting your comments on seven questions so that the EPA can determine whether such information is entitled to confidential treatment. Notwithstanding the above, the information you provide may be used by EPA in administrative, civil, and criminal proceedings.

Compliance with this Second Request for Information is mandatory. Failure to comply may be considered to be a violation of Section 114 of the CAA and could result in an enforcement action for the recovery of civil penalties not to exceed \$37,500 per day, per violation, or for injunctive relief or both, pursuant to Section 113 of the CAA, 42 U.S.C. §7413. Section 113 of the CAA also authorizes the EPA to seek criminal penalties from any person who knowingly makes any false statement, representation, or certification in any report required under the CAA.

This required submittal of information is not subject to the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. Chapter 35.

If you have any questions relating to this Second Request for Information, please contact Robert Caplan, Senior Attorney, at (404) 562-9520 or by email at [Caplan.robert@epa.gov](mailto:Caplan.robert@epa.gov). Thank you for your cooperation in this matter.

Sincerely,

  
Beverly H. Banister  
Director  
Air, Pesticides, and Toxics  
Management Division

Enclosure

cc: w/enclosure: Ms. Karen Hays, GA EPD



**ENCLOSURE A**  
**SECOND INFORMATION REQUEST**

For purposes of this letter, the definitions set forth in Section B shall apply and should be considered carefully by you in preparing your responses to this Second Information Request letter.

**A. INSTRUCTIONS:**

1. EPA is seeking to clarify information submitted by Jacobson Companies (Jacobson) on April 1, 2013, in response to EPA's first information request letter dated February 21, 2013. EPA is also requesting additional information from Jacobson regarding operations at the facility located at 3060 South Park Boulevard, Ellenwood, Georgia. Please review the questions and information request in Sections C and D and submit the requested information.
2. Please provide a separate narrative response to each question and subpart of a question set forth in this Information Request and precede each answer with the number of the question to which it corresponds.
3. If requested information or documents are not known or are not available to you at the time of your response to this Information Request, but later become known or available to you, you must supplement your response to EPA. Moreover, should you learn at any time after submission of your response that any portion is or becomes false or, incomplete, or is a misrepresentation, you must provide EPA with a corrected response within five (5) business days after you first obtain the information.

**B. DEFINITIONS:**

1. "Act" means the Clean Air Act, as amended, 42 U.S.C. § 7401, *et seq.*
2. "Document" means written documentation of any kind, including documentation solely in electronic form. It includes any document in the possession or control of Jacobson, or the possession or control of any person or entity hired by Jacobson. A copy of a document rather than the original may be provided.
3. The terms "person" or "persons", shall have the meaning set forth in Section 302(e) of the Act, 42 U.S.C. § 7602(e), and includes an individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency, department, or instrumentality of the United States and any officer, agent or employee thereof.
4. The terms "relate to" or "pertain to" (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.
5. The terms "you" or "your", as used in each of the questions set forth in the attached Section 114 letter, refers to, and shall mean, the company or corporation with which each addressee of the attached Section 114 letter is affiliated, including its subsidiaries, divisions, affiliates, predecessors, successors, assigns, and its former and present officers, directors, agents,



employees, representatives, attorneys, consultants, accountants and all other persons acting on its behalf.

6. "Jacobson" means Jacobson Companies located at 3060 South Park Boulevard, Ellenwood, Georgia 30294.
7. "Facility" means the entire manufacturing facility (including all physical structures) located at 3060 South Park Boulevard, Ellenwood, Georgia 30294.
8. "Air pollution control device or control device" means equipment installed on a process vent, storage vessel, wastewater treatment exhaust stack, or combination thereof that reduces the mass of HAP emitted to the air. The equipment may consist of an individual device or a series of devices. Examples include incinerators, carbon adsorption units, condensers, flares, boilers, process heaters, and gas absorbers. Process condensers are not considered air pollution control devices or control devices.
9. "Batch operation" means a noncontinuous operation involving intermittent or discontinuous feed into equipment, and, in general, involves the emptying of the equipment after the operation ceases and prior to beginning a new operation. Addition of raw material and withdrawal of product do not occur simultaneously in a batch operation.
10. "Cleaning operation" means routine rinsing, washing, or boil-off of equipment in batch operations between batches.
11. "Criteria pollutants" means Particulate Matter (PM), Carbon Monoxide (CO), Nitrogen Oxides (NO<sub>x</sub>), Sulfur Dioxide (SO<sub>2</sub>), and Lead (Pb).
12. "Emission unit" means any part or activity of a stationary source that emits or has the potential to emit any regulated air pollutant or any pollutant listed under Section 112(b) of the Act. This term is not meant to alter or affect the definition of the term "unit" for purposes of title IV of the Act.
13. "Fuel-burning Equipment" means equipment the primary purpose of which is the production of thermal energy from the combustion of any fuel. Such equipment is generally that used for, but not limited to, heating water, generating or super heating steam, heating air as in warm air furnaces, furnishing process heat indirectly, through transfer by fluids or transmissions through process vessel walls.
14. "HAP" means hazardous air pollutants, any air pollutant listed in or pursuant to Section 112(b) of the Act.
15. "Potential to emit" means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is enforceable by the Administrator. This term does not alter or affect the use of this term for any other purposes under the Act, or the term "capacity factor" as used in title IV of the Act or the regulations promulgated thereunder.



16. "Startup" means the setting in operation of a continuous operation for any purpose; the first time a new or reconstructed batch operation begins production; for new equipment added, including equipment required or used to comply with this subpart, the first time the equipment is put into operation; or for the introduction of a new product/process, the first time the product or process is run in equipment. For batch operations, startup applies to the first time the equipment is put into operation at the start of a campaign to produce a product that has been produced in the past if the steps taken to begin production differ from those specified in a standard batch or nonstandard batch. Startup does not apply when the equipment is put into operation as part of a batch within a campaign when the steps taken are routine operations.
17. "VOC" means volatile organic compounds, any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participate in atmospheric photochemical reactions.
18. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in the Clean Air Act or 40 C.F.R. in which case the statutory or regulatory definitions shall apply.

**C. INFORMATION REQUEST (IR):**

EPA is seeking clarification of certain answers submitted by Jacobson on April 1, 2013, ("April 2013 response") in response to EPA's first information request letter dated February 21, 2013. The italicized questions below are the questions from EPA's first information request letter dated February 21, 2013, followed by EPA's comment and follow up question. EPA is also seeking additional information from Jacobson pertaining to its Ellenwood facility.

Jacobson should provide full and complete responses to each question in this second information request. If some or all of the information requested in any particular question is unavailable, not applicable, or Jacobson does not have access to the information, please state so in your response.

EPA also is seeking information about the corporate organization of Jacobson Companies. Please provide in your response, prior to answering the questions below, a description of Jacobson's corporate structure and explain the relationship between Jacobson Companies, JHCI, JHCI Holdings, Inc., Oak Hill Capital Partners, Jacobson Holding Company, Arnold Logistics, LLC, and Wilpak, including, but not limited to, dates of mergers and acquisitions, whether Jacobson Companies has a parent-subsidiary relationship with any of the above named entities, and whether the Ellenwood facility is an operating division of any of the above-named entities. Please also explain and describe Jacobson's Ellenwood facility's corporate structure and relationship to the above-mentioned entities.

**1. EPA IR letter dated February 21, 2013 – Question #1**

*Provide the date (month, day, year) the facility was constructed and/or reconstructed, and the date (month, day, year) manufacturing processes began at the facility. If the processes were transferred from another facility, please provide the address (street address, street name, any suite numbers, city county, and state) where the processes were transferred from and the date (month, day, year) of the transfer. Please provide documentation, such as copies of construction contracts and invoices, to validate the information provided.*





**EPA Comment #1:**

In Jacobson's April 2013 response to this question, Jacobson provided startup dates for the processes at the Ellenwood, Georgia facility.

**EPA Follow Up Question #1:**

Please provide startup dates (month, day, year) for each pesticide formulation process line that meets the definition of startup dates. For example, list each date raw materials were introduced in each pesticide formulation process line at the facility to start production, since facility operations began.

**2. EPA IR letter dated February 21, 2013 – Question #2**

*Provide a list of all applicable North American Industry Classification System (NAICS) codes and Standard Industrial Classification (SIC) codes for processes conducted at the facility.*

**EPA Comment #2:**

Jacobson's April 2013 response included a statement regarding the facility functioning as a regional distribution center for pesticide products, including those formulated at the facility and those manufactured elsewhere. Jacobson's response also mentioned certain services provided by the facility for other companies. Activities associated with the distribution of pesticide products at the facility include receiving, warehousing, and shipping. The applicable NAICS code for these activities is 493110 (SIC code 4225). Jacobson stated that there are no stationary emissions sources associated with these activities at the facility, other than comfort heaters.

**EPA Follow Up Question #2:**

Please provide the following information regarding Jacobson's regional distribution center operation, since operations began:

- a. A complete list and detailed narrative description of the processes and services offered and performed by Jacobson;
- b. A list of all the companies (including names and addresses) that Jacobson provides each service to;
- c. The name and amount of pesticide products that Jacobson receives each month from the companies, for service provided; and
- d. The amount of pesticide products (in pounds per month) that Jacobson warehouses and ships from other companies, under this service.

**3. EPA IR letter dated February 21, 2013 – Question #4**

*Provide copies of all records of applicability determinations for Jacobson's pesticide, pesticide active ingredient (PAI), or organic chemical processes conducted at the facility (including calculations used to determine the applicability, even if a determination has been made that the processes are not applicable to any air emission regulations, with supporting documentation for the determination made).*

**EPA Comment #3:**

Jacobson's April 2013 response included some information on the applicability of certain state and federal air regulations that apply to the facility.

**EPA Follow Up Question #3:**

EPA is requesting the following additional clarification and information:



- a. Provide the manufacturer's specification and/or engineering drawings and installation records for each piece of equipment used at facility that meets the definition of Fuel Burning Equipment (listed in Section B, Definitions, number 13 above). The document submitted should show: the date the equipment was installed; the date the equipment was taken out of service; the manufacturer brand of equipment; the equipment rated or maximum capacity in MMBtu/hr; and the manufacturer recommended type of fuel use for the equipment;
- b. Provide a map showing the location of the equipment at the facility; and
- c. Provide a detail narrative description of how each piece of equipment is used by the facility, since facility operations began.

**4. EPA IR letter dated February 21, 2013 – Question #7**

*Provide a list of all pesticide, PAI, and intermediate products manufactured at the facility since startup of operations and include any documentation filed with EPA (such as Federal Insecticide, Fungicide, and Rodenticide (FIFRA) forms required for identifying the production of pesticide products.*

**EPA Comment #4:**

Jacobson provided some, but not all of the information requested. Questions 4a - 4c below are in response to the information Jacobson provided in its April 2013 response. Questions 4d - 4i below seek additional information that was not requested in the first information request.

**EPA Follow Up Question #4:**

Please provide the following information:

- a. Provide a written list of all pesticide products produced (i.e., formulated, manufactured, blended or mixed together) by the facility since facility operations began (**Note: the FIFRA pesticide production forms submitted by Jacobson are not a substitute for providing an answer to this request**);
- b. Provide copies of all batch records showing production amounts, hours of operation and processing, list of raw materials used in the processes, a list of equipment used in the processes, and the amounts of raw material used for each product produced by the facility since facility operations began;
- c. A copy of all material safety data sheets (MSDS), safety data sheets (SDS), and/or vendor data sheets for all pesticide products produced by the facility since operations began;
- d. Has fipronil ever been manufactured or otherwise produced by Jacobson at the facility?
- e. If fipronil has been manufactured or produced by Jacobson, provide the quantities that have been manufactured or produced since facility operations began;
- f. Provide a detailed narrative description (include a process flow diagram) of how fipronil has been used in the formulation process at the facility since operations began at the facility;
- g. If the facility has purchased fipronil, provide proof of purchase (i.e., purchase orders and/or receipts) since facility operations began; and
- h. Provide copies of all correspondence (including electronic documents, such as emails, and hard copy documents such as letters) that includes the name fipronil, or any discussions concerning fipronil since facility operations began; and
- i. Provide the names of plant supervisors and foreman who have directed or been responsible for manufacture, production or use of fipronil at the facility at any time since the facility began operations.

**5. EPA IR letter dated February 21, 2013 – Question #8**



*Provide a process description for each product manufactured at the facility. Include in the description the following information for the previous five years to present:*

- a) The startup date (month, day, year) for each step of the process;*
- b) A detailed description of each step in the process (indicated whether the step in the process is continuous or batch);*
- c) The quantity of pesticide, PAIs, and intermediates manufactured, in tons per year;*
- d) If the product is identified on EPA form 3540-16, the Pesticide Report for Pesticide-Producing Establishments, list what classification codes were used on the form (including a copy of the latest form filed with EPA);*
- e) A process flow diagram that clearly identifies each step in the process including: all pieces of equipment used in the production processes; and any air pollution control devices used in the process;*
- f) The quantity of raw materials, in tons per year, used in the manufacturing processes including the type, size and quantity of containers the raw material is delivered in and how the raw material is stored at the facility;*
- g) The quantity of raw materials, in tons per year, used in the packaging processes at the facility- including the type, size and quantity of containers the raw material is delivered in to Jacobson and how the material is stored prior to using in a process;*
- h) Copies of Material Safety Data Sheets (MSDSs), Safety Data Sheets (SDSs), technical specification sheets, and/or vendor formulation data sheets for each raw material used in the processes;*
- i) A copy of the monthly log sheets or production log sheets that indicate both the quantity of product manufactured and the quantity of raw materials used in the processes; and*
- j) A copy of all purchase orders and/or invoices for all raw materials used in the processes listed and product shipped to the customers.*

**EPA Comment #5:**

Jacobson responded only to question 5a by providing startup dates for six (6) pesticide formulation lines located at the facility through 2012, but failed to respond to questions 5b – 5j.

**EPA Follow Up Question #5:**

Please provide the following additional information:

- a. Provide the information requested in the first information request for Question 5 for the entire 2013 calendar year for the facility's processes;
- b. Provide a detailed written narrative description of each pesticide formulation process conducted at the facility since facility operations began;
- c. Provide a process flow diagram for each of the six pesticide formulation lines previously identified by Jacobson in its April 2013 response to Question 5, and any other process lines located at the facility, that clearly identifies: each process step; every piece of equipment used in each process step; air control devices (i.e., dust collectors and evaporators), and air emission points from the process steps (**Note: the process flow diagram submitted by Jacobson in its April 2013 response did not include detailed information about the facility's processes and therefore did not provide an adequate response to this request**);
- d. Provide a copy of all monthly log sheets showing pesticide production amounts or production log sheets for the pesticide formulation processes conducted at the facility since operations began;
- e. Provide a copy of all purchase orders and invoices for all the raw materials used in the pesticide formulation processes that contain HAPs, VOCs, and criteria pollutants at the facility since



facility operation began (**Note: actual copies of the purchase orders or invoices are required and can be submitted electronically**);

- f. Provide a material balance sheet, indicating in pounds per month, the amount of the HAP, 2,4-D dimethylamine TK 66 (CAS # 94-75-7 ("2,4-D")) processed or used, the amount of 2,4-D material in the facility's product, and the amount of 2,4-D in the facility's waste. The material balance calculation should depict the weight of all raw materials containing 2,4-D, and the amount of 2,4-D that was processed must equal the amount of 2,4-D found in the products and in the waste material leaving the process;
- g. Please resubmit the following MSDSs. The MSDSs submitted by Jacobson in the April 2013 response were unreadable;
  1. Methyl Paraben;
  2. Propyl Paraben;
  3. Sorbic Acid;
  4. PEG 8000; and
- h. Please submit the following MSDSs that were missing from Jacobson's April 2013 response;
  1. Sodium Benzoate;
  2. Potassium Sorbate
  3. Dextrose 99%.

**6. EPA IR letter dated February 21, 2013 – Question #9**

*Provide copies of actual air emission rates for the entire facility for the previous five years to present which includes:*

- a) *The annual emission rate, in tons per year, for the criteria pollutants (Particulate Matter (PM), Carbon Monoxide (CO), Nitrogen Oxides (NO), Sulfur Dioxide (SO<sub>2</sub>), and Lead (Pb)) including the calculations used to determine the quantity;*
- b) *Consecutive 12-month total of VOC emissions including the calculations used to determine the quantity;*
- c) *Consecutive 12-month total of total HAP emissions including the calculations used to determine the quantity; and*
- d) *Consecutive 12-month total of individual HAP emissions including the calculations used to determine the quantity.*

**EPA Comment #6:**

Jacobson did provide some information in its April 2013 response, however, its response was incomplete for questions 6b, c & d below. EPA is requesting that Jacobson furnish a full and complete response to questions 6b, c & d, and provide a response for the full calendar year for question 6a. Also, EPA is requesting the additional information regarding the facility's processes in questions 6e-h below.

**EPA Follow Up Question #6:**

Provide the following information:

- a. Provide the information in the original Question 6 covering the entire 2013 calendar year for the facility's processes;
- b. An explanation of why the actual air emission rates from pesticides formulation processes conducted at the facility that contain HAPs, VOCs and criteria pollutants were *estimated* instead of using actual data from Jacobson's pesticide formulation processes;





- c. A detailed narrative discussion on how Jacobson calculated the loss of air emissions from the HAP, VOC, and criteria pollutant air emission rates listed in the following attachments (Jacobson's April 2013 Response): IR 9-10 Natural-Gas-Combustion, IR 9-10 Welding-Calcs, IR 9-10 Lab-Solvent, IR 9 12-month Summary, IR 9-10 VOCHAP-LossCalcs, and IR 9-10 Dust-Calcs.;
- d. Copies of all documents used in the calculations for Comment #6.c of this document. Please state if the documentation is not available and include an explanation of why the documentation is not available to the company;
- e. The amount of actual HAP-containing materials *used* in the facility's processes and reported each calendar year (versus raw materials *purchased* in a calendar year) since operations began;
- f. Copies of monthly natural gas usage bills/receipts for the facility since facility operations began;
- g. Copies of the MSDS, SDS, or vendor formulation sheets for the welding wire used by the facility since facility operations began (**Note: Jacobson stated this information was included in the attachments in its April 2013 Response, however, EPA could not find the information in the attachments for ER70S2, ER70S3, and ER70S6**); and
- h. For attachments IR 9 12-month Summary, IR 9-10 VOCHAP-Welding Calcs, IR 10 PTE Summary, IR 9-10 Dust-Calcs, and IR 9-10 Natural-Gas-Combustion included in Jacobson's April 2013 response provide the following:
  - 1. The procedures used by Jacobson to record the actual batches of products (pounds per month of raw materials and pounds of VOC, HAPs, and criteria pollutants used) manufactured at the facility since operations began;
  - 2. Any and all assumptions and information used by the facility to calculate its emission rate from natural gas burning equipment;
  - 3. An explanation as to why the natural gas heating value 1020 Btu used to calculate the facility's emission rate from natural gas burning equipment was used, instead of the using the actual heating value from the facility's natural gas bills. Also, please submit copies of the monthly natural gas bills for the facility that shows the heating value and amount of natural gas used by the facility since operations began;
  - 4. An explanation as to how the VOC emission rate was determined for each raw material used in the facility's pesticide formulation processes since operations began (VOC percentage amounts are not included in all of the MSDSs submitted by Jacobson's April 2013 response).

**7. EPA IR letter dated February 21, 2013 – Question #10**

*Provide the potential to emit (PTE) air emission rate, in tons per year, for HAPs, VOCs, and criteria pollutants, including the calculations used to determine the amount for the facility since the start of operation. The PTE provided should include: for initial start up of operation, for any process changes that occurred since start up of operation, and the current PTE. Include all documentation used to calculate the amount.*

**EPA Comment #7:**



While Jacobson did provide information in its April 2013 response, EPA is requesting the following additional information.

**EPA Follow Up Question #7:**

Please provide the following information:

- a. PTE information for the entire 2013 calendar year for the facility's processes;
- b. An explanation of why 8,760 hours was *not used* in all calculations for PTE emission rates submitted by Jacobson;
- c. A copy of the documentation used to determine the rated capacity of the boilers and heaters located at the facility; and
- d. A written narrative explanation of why a 3.6% emission rate was used in the facility's PTE and actual HAP and VOC emission rate instead of a 100% emission rate.

**8. EPA IR letter dated February 21, 2013 – Question #12**

*For all the tanks or vessels used in the manufacturing processes of pesticides, PAI, intermediates and organic materials produced, provide the following information:*

- a) The construction or reconstruction date (month, day, year) of the storage and process tank or vessel (including a copy of the construction invoices);*
- b) The date (month, day, year) the storage and process tank or vessel was put in operation;*
- c) State whether the tank or vessel is used for storage, process, or both;*
- d) The capacity and size of the storage and process tank or vessel;*
- e) A copy of the specification drawing for each tank or vessel;*
- f) A copy of the tank or vessel storage monthly inventory list (for the previous five years to present);*
- g) The total number of hours the tank or vessel is used each month;*
- h) A description of processes the storage or process tank or vessel is primarily used for;*
- i) A list of air pollution control devices, if any, used with the storage or process tank or vessel; and*
- j) The current status of the tank or vessel (i.e., still in use, abandoned, modified, and/or destruction date). Provide any documentation as proof of status.*

**EPA Comment #9:**

While Jacobson did provide some information in its April 2013 response, however, the response was incomplete for question 9a - d below. EPA is requesting that Jacobson furnish a full and complete response to 9a - d. Also, EPA is requesting the additional information regarding the facility's processes in question 9e and f below.

**EPA Follow Up Question #9:**

Please submit the following information that was omitted from Jacobson's April 2013 submittal:

- a. The installation and construction dates (month, day, year) for all tanks, vessels, or storage and process equipment used in the pesticide formulation processes at the facility since facility operations began;
- b. The date (month, date, year) that each tank, vessel, and storage equipment was put into operation in the pesticide formulation processes at the facility since facility operations began;
- c. A copy of the specification drawing for each tank vessel, or other storage and process equipment used in the pesticide formulation process at the facility since facility operations began;



- d. A copy of a flow diagram that depicts the location of each tank, vessel, or storage/process equipment that is used in the facility's pesticide formulation processes since facility operations began (**Note: the previous submitted process flow diagram did not include the specified information and will not substitute for this requirement**);
- e. The total number of total hours the tanks, vessels, or storage/process equipment have been used each month in the facility's pesticide formulation processes since facility operations began; and
- f. Copies of documentation (such as batch sheets, production sheets, etc) that will substantiate the information provided in response to this Follow Up Question #9.

**9. EPA IR letter dated February 21, 2013 – Question #13**

*For all the heating devices (such as heaters, ovens, furnaces, kilns, and other drying and heating devices) used in the production processes of pesticide, PAI, intermediate or organic material at the facility, provide the following information:*

- a) *A description of the drying/heating devices;*
- b) *A copy of the engineering specifications;*
- c) *The installation date (month, day, year) including copies of invoices;*
- d) *Any reconstruction dates (month, day, year) including copies of invoices;*
- e) *Hours of operation (including copies of logs maintained for the heating device for the previous 5 years to present);*
- f) *Copies of monitoring records (i.e., temperature readings, gas flow records, and pressure measurement records for the previous 5 years to present);*
- g) *The type and quantity of fuel used in the heating device, including the British Thermal Unit (BTU) of the fuel; and*
- h) *Copies of all maintenance and repair records maintained for the device (for the previous five years to present).*

**EPA Comment #10:**

Jacobson did not provide a complete response to Question #13. Please submit the information requested for *all* the heaters, ovens, furnaces, kilns, and other heating and drying devices used in the facility's pesticide formulation processes since facility operation began (**Note: this information was omitted from Jacobson's April 2013 submittal**). Include copies of flow diagrams that clearly show the locations of the equipment at the facility and how the equipment is used or has been used in the past at the facility since operations began.

**10. EPA IR letter dated February 21, 2013 – Question #14**

*For all steam generating units (hot water generators/boilers), provide the following information:*

- a) *The date (month, day, year) the unit was constructed and/or installed;*
- b) *Each date (month, day, year) the unit was reconstructed;*
- c) *The annual operating schedule for each unit (including copies of operating records maintained for the previous five years to present);*
- d) *The maximum design heat input capacity for each unit (include a copy of the unit's engineering specification and engine certification);*
- e) *Monitoring records maintained for each unit for the previous five years to present;*
- f) *The type of fuels used in the units (including copies of fuel usage records maintained for the previous five years to present);*
- g) *Copies of the initial air emission performance tests and any performance test performed within the last five years for each unit; and*



*h) The maintenance records for each unit for the previous five years to present.*

**EPA Comment #11:**

Jacobson partially responded to this question by incompletely addressing only one hot water generator/boiler on-site. EPA is requesting that Jacobson submit full and complete information on all hot water generators/boilers located on-site. Also, as part of your response to items a-d below, if Jacobson believes that the information is not available, include a narrative written explanation of why the information is not available:

- a. The engineering specification drawings for each steam generating unit located at the facility since facility operations began;
- b. Copies of all purchase invoices, engine certifications, construction receipts, and installation records for each steam generating unit located at the facility since facility operation began;
- c. Copies of all maintenance records for each steam generating unit located at the facility since facility operations began; and
- d. Testing and monitoring data for each steam generating unit located at the facility since facility operations began.

**11. EPA IR letter dated February 21, 2013 – Question #15**

*Provide a list of all the air pollution control devices (such as fabric filters, electrostatic precipitators, wet scrubbers, cyclones, thermal oxidizers, flares, catalytic reactors, carbon absorbers, absorption towers, emission control hoods or vents and biofilters) used at the facility. Include the following information with the list of devices:*

- a) The installation date (month, day, year) of the device;*
- b) A copy of the engineering and/or design specification for the device;*
- c) A list of the air pollutants (such as HAP, VOC, or criteria pollutants) that the device is used to control;*
- d) The type of fuel used in each device (including the annual fuel usage rate and copies of documents showing usage, maintained for the previous five years to present);*
- e) The destruction efficiency (DE) for the device and the method used to determine it (include any supporting documentation such as stack or performance test);*
- f) Any monitoring records or computer charts for operating information and parameter monitoring collected (e.g., temperature and pressure) for the device for the last five years;*
- g) A description of how the device is maintained, including copies of maintenance records; and*
- h) Any Startup, Shutdown, and Malfunction (SSM) plans and reports (copies of reports maintained for the previous five years to present) for the device.*

**EPA Comment #12:**

Jacobson's response to the first information request letter provided partial information on the evaporator unit, and also stated that the evaporator unit was no longer operating as of November 2011. Please provide the following information for the **evaporator unit** currently or previously located and/or used at the facility since operations began:

- a. The installation date (month, day, year) of the unit (include copies of receipts for installation and purchase orders for purchasing the unit);
- b. Copies of the engineering drawings and/or design specifications, material of construction, control logic information, and capacity records for the unit;
- c. An detailed narrative explanation of how the unit is currently used or was previously used at the facility;





- d. A list of all the processes associated with, attached to, handled by, and/or connected to the unit since operations began at the facility (include a copy of a flow diagram illustrating the connection points);
- e. The type of fuel and/or heat source used in the unit;
- f. Any testing data and/or performance test conducted for the unit since facility operations began;
- g. Any monitoring records, computerized charts or other operating data and parameter monitoring data collected by the facility for the unit since the facility operations began (this includes, but is not limited to, temperature readings, flow meter readings/records, operating limits, and all other monitoring data);
- h. A description of any control devices used in conjunction with the unit (including, but not limited to, mist eliminators, and distillation units; also include any monitoring records maintained since operations began);
- i. A narrative description of why and when Jacobson stopped using the evaporation unit and where the unit is currently located (for example, if Jacobson has removed the unit from its facility, please describe how the unit was removed and by whom and include a copy of any receipts for the dismantling and destruction of the unit);
- j. At the time the evaporator was taken out of service, was the unit completely drained, and if not, how much fluid remained;
- k. A copy of all maintenance records for the unit since facility operations began; and
- l. Any Startup, Shutdown, and Malfunction (SSM) plans and reports for the unit since operations began at the facility.

**EPA Comment #13:**

Please provide the following information for the **dust collectors (baghouses)** currently or previously located and/or used by the facility since operations began;

- a. The installation date (month, day, year) of each unit (include copies of receipts for installation and purchase orders for purchasing the unit);
- b. Copies of the engineering drawings and/or design specifications, material of construction, control logic information, and capacity records for the unit;
- c. An detailed narrative explanation of how the unit is currently used or was previously used at the facility;
- d. A list of all processes associated with, attached to, handled by, and/or connected to the unit since operations began at the facility;
- e. The type of fuel and/or heat source used in the unit;
- f. Any testing data and/or performance test conducted for the unit since facility operations began;
- g. Any monitoring records, computerized charts or other operating data and parameter monitoring data collected by the facility for the unit since the facility operations began (this includes, but is not limited to, temperature readings, flow meter readings/records, operating limits, and all other monitoring data);
- h. A narrative description of why and when Jacobson stopped using each unit and where each unit is currently located (for example, if Jacobson has removed a unit from their facility, please describe how the unit was removed and by whom and include a copy of any receipts for the dismantling and destruction of the unit);
- i. A copy of all maintenance records for the unit since facility operations began; and
- j. Any Startup, Shutdown, and Malfunction (SSM) plans, reports or records of incidents for the unit since operations began at the facility.



**ENCLOSURE B**

**STATEMENT OF CERTIFICATION**

I certify that I have personally examined and am familiar with, the statements and information submitted in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true, correct, accurate, and complete.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Name & Title: \_\_\_\_\_



## **ENCLOSURE C**

### **CONFIDENTIAL BUSINESS INFORMATION (CBI) ASSERTION AND SUBSTANTIATION REQUIREMENTS**

You may assert a business confidentiality claim covering all or part of the information you provide in response to this information request for any business information entitled to confidential treatment under Section 114(c) of the Clean Air Act (the Act), 42 U.S.C. §7414, and 40 CFR Part 2, subpart B. Under Section 114(c) of the Act, you are entitled to confidential treatment of information that would divulge methods or processes entitled to protection as trade secrets. Under 40 CFR Part 2, subpart B, business confidentiality means the concept of trade secrecy and other related legal concepts which give (or may give) a business the right to preserve the confidentiality of business information and to limit its use or disclosure by others in order that the business may obtain or retain business advantages it derives from its rights in the information. See 40 CFR §2.201(e).

The criteria EPA will use in determining whether material you claim as business confidential is entitled to confidential treatment are set forth at 40 CFR §2.208 and 2.301. These regulations provide, among other things, that you must satisfactorily show that: (1) the information is within the scope of business confidentiality as defined at 40 CFR §2.201(e); (2) that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; (3) the information is not and has not been reasonably obtainable by legitimate means without your consent; and (4) the disclosure of the information is likely to cause substantial harm to your business' competitive edge. See 40 CFR §2.208 (a)-(d). Emissions data, as defined at 40 CFR §2.301(a)(2), is expressly not entitled to confidential treatment under 40 CFR Part 2, subpart B. See 42 U.S.C. §7414(c); 40 CFR § 2.301(e).

Information covered by a claim of business confidentiality will be disclosed by EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Act and 40 CFR Part 2, subpart B. EPA will construe your failure to furnish a business confidentiality claim with your response to this information request as a waiver of that claim, and the information may be made available to the public without further notice to you.

To assert a business confidentiality claim, you must place on (or attach to) all information you desire to assert as business confidential either a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as trade secret, proprietary, or company confidential at the time you submit your response to this information request. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and may be submitted separately to facilitate identification and handling by EPA. You should indicate if you desire confidential treatment only until a certain date or until the occurrence of a certain event.

In addition, EPA is providing you notice that if you assert a claim of business confidentiality for information you provide in response to this information request, EPA will determine whether such information is entitled to confidential treatment, pursuant to 40 CFR Part 2, subpart B. Accordingly, after EPA's receipt of your business confidentiality claim, you will receive a letter inviting your comments on the following questions:



1. What specific portions of the information are alleged to be entitled to confidential treatment? Specify by page, paragraph, and sentence when identifying the information subject to your claim.
2. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, specify that event. Additionally, explain why the information should be protected for the time period you've specified.
3. What measures have you taken to protect the information claimed as confidential from undesired disclosure? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity whether disclosure of the information is likely to result in substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
7. Is there any other explanation you deem relevant to EPA's determination of your business confidentiality claim that is not covered in the preceding questions? If so, you may provide such additional explanation.

See 40 CFR §2.204(e)(4). When you receive such a letter, you must provide EPA with a written response within the number of days set forth in the letter. EPA will construe your failure to furnish timely comments as a waiver of your confidentiality claim, consistent with 40 CFR §2.204(e)(1).







UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

APR 01 2014

Min Wang, Ph.D., P.E.  
Manager - Environmental  
Eagle Rock Energy G & P, LLC  
P.O. Box 2968  
Houston, Texas 77252-2968

Dear Dr. Wang:

Pursuant to Section 114(a)(1) of the Clean Air Act (the Act), 42 U.S.C. § 7414(a)(1), and under authority delegated to the undersigned, you are hereby requested to provide the U.S. Environmental Protection Agency with information relating to Escambia Operating Company, LLC, (Big Escambia Creek) facility located in Atmore, Alabama. This information is needed to determine whether Big Escambia Creek is in compliance with requirements of the Act and its implementing regulations. Section 114(a) of the Act, 42 U.S.C. § 7414(a), authorizes the Administrator of the EPA to require any person who owns or operates an emission source, whom the Administrator believes may have information necessary for the purposes set forth in Section 114(a), or who is subject to any requirement of the Act, to provide such information as the Administrator may reasonably require for the purpose of carrying out any provision of the Act. This authority has been duly delegated to the Director of the Air, Pesticides, and Toxics Management Division, Region 4.

Please review and follow the instructions in and, where required, complete the following enclosures: Instructions (Enclosure 1), Definitions (Enclosure 2), Claiming Confidentiality (Enclosure 3), Questions (Enclosure 4), and Statement of Certification (Enclosure 5).

The requested information shall be submitted to the EPA per Enclosure 1. The responses shall be submitted **no later than thirty (30) calendar days** after Big Escambia Creek's receipt of this letter as determined by the date on the Certified Mail Return Receipt. This information must be submitted to the following individual:

Mr. Denis B. Kler  
APTMD/AEEB  
U.S. EPA, Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303

Failure to provide the information required by this letter is a violation of the Act and may result in one or more of the following actions: (1) issuance of an order requiring compliance with this request;



(2) issuance of an administrative penalty order pursuant to Section 113(d) of the Act, 42 U.S.C. § 7413(d); (3) commencement of a civil action in accordance with Sections 113(b) and 305 of the Act, 42 U.S.C. §§ 7413(b) and 7605; and/or any other action authorized under the Act.

***You May Claim Confidentiality***

Under Section 114(c) of the Act, 42 U.S.C. § 7414(c), and pursuant to the regulations found at 40 C.F.R. Part 2, Subpart B, including 40 C.F.R. § 2.301, you are entitled to assert a claim of business confidentiality for any information you provide to the EPA that involves trade secrets and Big Escambia Creek regards as confidential business information (CBI). For such information, you may request that the EPA treat such information as confidential. Any such claim of confidentiality must conform to the requirements of 40 C.F.R. § 2.203(b). Note that "emission data," as defined by 40 C.F.R. § 2.301(a)(2), cannot be claimed as confidential under Section 114(c), 42 U.S.C. § 7414(c). For detailed instructions for claiming confidentiality, please see Enclosure 3. Information you supply under a claim of confidentiality will be treated as CBI to the degree determined appropriate according to the regulations. Please note that any confidentiality claim does not obviate the need to send that portion of the response to the EPA.

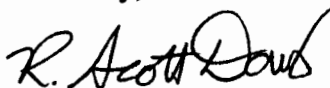
***You Must Certify Your Response***

You are required to attach a properly executed Statement of Certification to your response to this information request (request). The statement must be signed and dated. This statement certifies that the response submitted to the EPA is complete and contains all documents and information responsive to this request that is known to you, following a complete and thorough review of all information and sources available to you. Failure to properly certify, or submission of a fraudulent certification, may result in criminal proceedings against you. Please see Enclosure 5 for a Statement of Certification template for Big Escambia Creek's use.

This request is exempt from the requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501-3520 et seq., because it seeks the collection of information by an agency from specific individuals or entities as part of an administrative action or investigation.

If you have any questions relating to this matter, you may consult with the EPA prior to the time specified above. Questions should be directed to Mr. Denis B. Kler at (404) 562-9199.

Sincerely,



*for* Beverly H. Banister, Director  
Air, Pesticides and Toxics  
Management Division

Enclosures: 1 – Instructions  
2 – Definitions  
3 – Claiming Confidentiality  
4 – Questions  
5 – Statement of Certification

cc: Ronald Gore, Chief of Air Division, ADEM



## **Enclosure 1**

### **INFORMATION REQUEST**

#### **INSTRUCTIONS**

Each of the following instructions applies to each and every question contained in Enclosure 4.

1. If Big Escambia Creek has no responsive information or documents pertaining to a particular question, submit an affirmative statement and explanation.
2. If your response to a particular question requires a scanned or hardcopy document, you must identify the filename or document title. Make sure to correlate any hardcopy or scanned documents to a specific question. If a document is responsive to more than one question, this must be so indicated and only one copy of the document needs to be provided.
3. Big Escambia Creek may choose to either submit documents in .pdf format or submit documents as hard copy documents. However, electronic submissions are preferred. Should Big Escambia Creek choose to provide .pdf electronic documents, do not create separate .pdf files for each page of a single document.
4. Identify each person whom you relied on or consulted with in preparing your responses to each question of this information request. Provide their name, title, job duties and duration of employment with Big Escambia Creek. If they are not an employee of Big Escambia Creek, identify their employer and provide their name, title, job duties and duration of employment with their employer.
5. Identify each document consulted, examined, or referred to in the preparation of your response or that contains information responsive to the question, and provide a true and correct copy of each such document if not provided in response to another specific question. Indicate on each document produced in response to this information request the number of the question to which it corresponds.
6. If requested information or documents are not known or are not available to you at the time of your response to this information request, but later become known or available to you, you must supplement your response to the EPA within 30 calendar days of discovery of the responsive information. Moreover, should you find at any time after submission of your response that any portion is or becomes false, incomplete or misrepresents the facts, you must provide the EPA with a corrected response as soon as possible.



## Enclosure 2

### INFORMATION REQUEST

#### DEFINITIONS

The following definitions apply to each of the questions set forth hereafter and are incorporated therein.

1. The term **"control device"** or its plural shall mean the air pollution control equipment used to achieve VOC emission reductions (*e.g.*, enclosed flare, combustor, combustion device, vapor recovery unit, etc.).
2. The terms **"document"** and **"writing"** and the plural forms thereof shall mean all written, recorded or graphic matters, however produced or reproduced, of every kind and description, pertaining in any way to the subject matter of this request. The terms **"document"** and **"writing"** shall include, but are not limited to: any receipts; invoices; shipping records; purchase orders; purchase records; books; pamphlets; periodicals; memoranda (including those of telephone or oral conversations); contracts; correspondence; agreements; applications; financial records; security instruments; disbursements; checks; bank statements; time records; accounting or financial records; notes; diaries; logs; facsimiles (faxes); telegrams or cables prepared, drafted, received or sent; electronic mail (e-mail), whether drafted, received or sent; tapes; transcripts; recordings; minutes and notes of meetings; directives; work papers; charts; drawings; prints; flow sheets; photographs; infrared camera recordings; film; computer printouts; x-ray photographs; advertisements; catalogs; data; sampling reports, plans, protocols, reports, analyses; or any handwritten, recorded, transcribed punched, taped, filmed or graphic matter, however produced or reproduced in Big Escambia Creek's possession, custody or control or to which Big Escambia Creek has or has had access.
3. The term **"flash emissions"** shall mean entrained natural gas vapors or other emissions that are released from hydrocarbon liquids when exposed to pressure drops, such as when condensate is transferred from production vessels to other vessels or to atmospheric storage tanks.
4. The terms **"person"** or **"persons"** shall have the meaning set forth in Section 302(e) of the CAA, 42 U.S.C. § 7602(e), and includes an individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency, department, or instrumentality of the United States and any officer, agent or employee thereof.
5. The terms **"relate to"** or **"pertain to"** (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.
6. The term **"tank vapor capture system"** or its plural shall include all vent lines, connections, fittings, valves, relief valves, thief hatches or any other appurtenance employed to contain and collect condensate storage tank vapors and transport or convey them to the emission control device.





7. The terms **“you”** and/or **“your”** shall mean Big Escambia Creek, and all its agents, employees, representatives, investigators, accountants, auditors, attorneys, experts, consultants, and contractors. These terms shall also mean any others who are not listed above and are in possession, custody, or control (actual or constructive) of information relevant to this request or information that is otherwise available to Big Escambia Creek, or who may have obtained information for or on behalf of Big Escambia Creek.

All terms not defined in this enclosure have their ordinary meaning, unless such terms are defined in the Clean Air Act and/or its implementing regulations, and in which case the statutory and/or regulatory definitions apply. Words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions. The terms **“and”** and **“or”** shall be construed either conjunctively or disjunctively as necessary to bring within the scope of this information request any information which might otherwise be construed to be outside its scope.



## **Enclosure 3**

### **INFORMATION REQUEST**

#### **CLAIMING CONFIDENTIALITY**

You may assert a business confidentiality claim over all or part of the information you provide in response to this information request for any business information entitled to confidential treatment under Section 114(c) of the Act, 42 U.S.C. § 7414, and 40 C.F.R. Part 2, Subpart B. Under Section 114(c) of the Act, 42 U.S.C. § 7414(c), you are entitled to claim information that would divulge methods or processes entitled to protection as trade secrets as confidential business information (CBI). Under 40 C.F.R. Part 2, Subpart B, business confidentiality means "the concept of trade secrecy and other related legal concepts which give (or may give) a business the right to preserve the confidentiality of business information and to limit its use or disclosure by others in order that the business may obtain or retain business advantages it derives from its rights in the information." See 40 C.F.R. § 2.201(e).

Information covered by a claim of business confidentiality will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Act, 42 U.S.C. § 7414(c), and 40 C.F.R. Part 2, Subpart B. The EPA will construe your failure to furnish a business confidentiality claim with your response to this information request as a waiver of that claim, and the information may be made available to the public without further notice to you.

To assert a business confidentiality claim, you must place on (or attach to) all information you desire to assert as business confidential either a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential" at the time you submit your response to this information request. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and may be submitted separately to facilitate identification and handling by the EPA. You should indicate if you desire confidential treatment only until a certain date or until the occurrence of a certain event.

The criteria the EPA will use in determining whether material you claim as business confidential is entitled to confidential treatment are set forth at 40 C.F.R. §§ 2.208 and 2.301. These regulations provide, among other things, that you must satisfactorily show that: (1) the information is within the scope of business confidentiality as defined at 40 C.F.R. § 2.201(e); (2) that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; (3) the information is not and has not been reasonably obtainable by legitimate means without your consent; and (4) the disclosure of the information is likely to cause substantial harm to your business's competitive position. See 40 C.F.R. § 2.208(a)-(d). "Emission data," as defined at 40 C.F.R. § 2.301(a)(2), is expressly not entitled to confidential treatment. See 42 U.S.C. § 7414(c); 40 C.F.R. § 2.301(e).

If you assert a claim of business confidentiality in connection with information and documents forwarded in response to this request for information, in accordance with 40 C.F.R. § 2.204(e)(4), the EPA is requesting that you answer the following questions below with respect to any information or document for which you assert a claim of business confidentiality.

1. What specific portions of the information are alleged to be entitled to confidential treatment?  
Specify by page, paragraph and sentence when identifying the information subject to your claim.



2. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, specify that event. Additionally, explain why the information should be protected for the time period you have specified.
3. What measures have you taken to protect the information claimed as confidential from undesired disclosure? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available material such as the internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity whether disclosure of the information is likely to result in substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
7. Is there any other explanation you deem relevant to the EPA's determination of your business confidentiality claim that is not covered in the preceding questions? If so, you may provide such additional explanation.
8. Explain why any information that you claim as business confidential information should not be considered "emission data" as defined in 40 C.F.R. § 2.301(a)(2).

You must furnish answers or comments to the above questions concurrent with your response to this information request if you have claimed any information as business confidential. *See* 40 C.F.R. § 2.204(e)(2). The EPA will construe your failure to furnish timely answers or comments as a waiver of your confidentiality claim, consistent with 40 C.F.R. § 2.204(e)(1).

Pursuant to 40 C.F.R. § 2.205(c), you are hereby advised that information you submit as part of your answers or comments may be regarded by the EPA as entitled to confidential treatment if, when it is received by the EPA, it is marked in accordance with 40 C.F.R. § 2.203(b). As required by 40 C.F.R. § 2.204(e)(6), you may assert a business confidentiality claim covering all or part of your response to these questions, as provided in 40 C.F.R. § 2.203(b). Information covered by such a claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Act, 42 U.S.C. § 7414(c), and 40 C.F.R. Part 2. The EPA will construe the failure to furnish a confidentiality claim with your response to this information request as a waiver of that claim, and the information may be made available to the public without further notice to you.



## **Enclosure 4**

### **INFORMATION REQUEST**

#### **QUESTIONS**

1. Provide engineering process flow diagram(s) (PFDs) for storage vessels T101A, T101B, T101C, T9001 (Marketing Tank), and the 5,000 gallon Water Tank. The PFDs shall include any tank vapor capture system(s), gas blanketing system(s), and emission control device(s); and identify the location of each gas blanketing regulator, pressure relief valve, pressure vent, vacuum vent, conservation vent, emergency vent, open vent ("goose-neck" or "j-vent"), flame arrestor, and thief hatch installed on each storage vessel and connecting vent system(s).
2. For each control device associated with the storage vessels identified in question 1, provide the following information:
  - a. description of the control device, including but not limited to, make, model, and serial number;
  - b. rated control efficiency;
  - c. rated vent gas throughput capacity;
  - d. date of installation, and date operation commenced;
  - e. peak flow rates of both flash gases and total gases to the control device; and
  - f. any engineering analysis or design evaluations that were used to size the control device.
3. For each tank vapor capture system associated with the storage vessels identified in question 1, provide the following information:
  - a. description of the vapor capture system;
  - b. rated vent gas throughput capacity;
  - c. peak flow rates of both flash gases and total gases through the vapor capture system; and
  - d. any engineering analysis or design evaluations that were used to size the vapor capture system.
4. For each tank or vessel identified in question 1, provide a table that identifies the tank or vessel and lists the following information for the tank or vessel:
  - a. design pressure (pounds per square inch (psi));
  - b. design temperature (degrees Fahrenheit (°F));
  - c. maximum allowable working pressure (psi);
  - d. normal operating pressure (psi);
  - e. normal operating temperature (°F);
  - f. dimensions (diameter and height (feet and inches));
  - g. capacity (gallons);
  - h. contents, including a Material Safety Data Sheet;
  - i. true vapor pressure of the contents (millimeters Mercury (mmHg));
  - j. type of tank or vessel roof design (fixed, floating, internal floating, etc.); and
  - k. indicate whether or not if the tank or vessel is heated or capable of being heated.





5. For each tank or vessel identified in question 1, provide a table that identifies the tank or vessel and identifies whether or not the following components are present on the tank or vessel:
  - a. pressure vent;
  - b. vacuum vent;
  - c. conservation vent;
  - d. emergency vent;
  - e. open vent (i.e., "goose-neck" or "j-vent");
  - f. flame arrestor;
  - g. tank or vessel blanketing valve;
  - h. closed vent system;
  - i. gas blanketing system;
  - j. gas blanketing regulator;
  - k. rupture disk;
  - l. tank or vessel pressure gauge and / or transmitter (indicate its location on the tank); and
  - m. differential pressure transmitter (indicate what it is being used to measure).
6. For each pressure vent, vacuum vent, conservation vent, or emergency vent identified in question 5, provide a table that identifies the location of the vent and provides the following information for the vent:
  - a. manufacturer;
  - b. model;
  - c. direct-acting or pilot operated;
  - d. weight loaded or spring loaded;
  - e. size (inches);
  - f. set point (both pressure (psi) and vacuum (ounces));
  - g. full open pressure (psi);
  - h. material of construction of the valve / vent housing; and
  - i. material of construction of the seat and seal material.
7. For each component identified in questions 5, provide a copy of the manufacturer's specification sheet, and provide a complete copy of the manufacturer's installation and maintenance guide. Also, provide a copy of the facility's specification sheet for each component identified in questions 5.
8. For each tank or vessel identified in question 1 with a gas blanketing system, provide a narrative description of how the gas blanketing pressure is set with respect to the pressure relief valve set points, the vacuum relief valve set points, and the conservation vent set points of the tank or vessel. If the tank or vessel is also tied to a closed vent system, include its operation and set points, relative to the gas blanketing valve and other vents, in the narrative. Include with the narrative how the various valves associated with the gas blanketing system are set for the following scenarios: before a liquid transfer, during a liquid transfer, and after a liquid transfer.
9. For each tank or vessel identified in question 1 with a gas blanketing system, provide a detailed narrative description of how the company monitors the gas blanketing system to ensure that the system is operating as designed. Include with narrative how the blanketing system is monitored during the following scenarios: before a liquid transfer, during a liquid transfer, and after a liquid transfer.



10. For the past five years, provide copies of the logs sheets or records for the monitoring of the gas blanketing systems discussed in question 9.
11. For each tank or vessel identified in question 1 with a vapor collection system, provide a detailed narrative description of how the company monitors the vapor collection system to ensure that the systems are operating as designed.
12. For the past five years, provide copies of the logs sheets or records for the monitoring of the vapor collection system discussed in question 11.
13. For each tank or vessel identified in question 1 with a gas blanketing valve, identify the tank or vessel and for each valve please provide the following:
  - a. manufacturer and model number;
  - b. the gas supply pressure;
  - c. the blanketing valve set point;
  - d. the dead-band range;
  - e. the blanketing valve full open pressure; and
  - f. direct-acting or pilot operated.
14. Provide a narrative description of the facility's mechanical integrity and maintenance procedures for any pressure vent, vacuum vent, conservation vent, emergency vent or blanketing valve. Provide a description of the methods and frequency that the facility utilizes to monitor, including, but not limited to, the following:
  - a. corrosion;
  - b. damaged seating surfaces;
  - c. failed springs;
  - d. improper setting and adjustment;
  - e. plugging and sticking; and
  - f. improper differential between operating and set pressure.
15. For the past five years, provide all inspection, maintenance, repair, and mechanical integrity records (including work orders) for each vessel or tank identified in question 1. Indicate whether the work was completed by facility personnel or a contractor. If the work was completed by a contractor, also provide a complete copy of the corresponding report.
16. Provide a complete copy of the maintenance schedule and/or maintenance protocol for each vessel or tank identified in question 1.
17. For the past five years, provide all inspection, maintenance, repair, and mechanical integrity records (including work orders) for each component identified in question 5. Indicate whether the work was completed at the facility or off-site. If the work was completed off-site, also provide a copy of the corresponding report.
18. For each vessel identified in question 1, provide a complete copy of the maintenance schedule and/or maintenance protocol for each component identified in question 5.



19. During the December 11, 2013, EPA on-site evaluation of the Big Escambia Creek facility an infrared camera identified emissions from the flash tank sump associated with the #2 TEG Reboiler Burner Area (A CD with the video file was delivered to the facility on December 20, 2013 by UPS). Provide a detailed explanation as to what caused the emissions to be emitted, a description of the corrective actions taken by the company to repair the leak, and a description of the actions taken by the company to prevent future leaks of this type.



**Enclosure 5**

**INFORMATION REQUEST**

**STATEMENT OF CERTIFICATION**

**I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my personal inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Act, 42 U.S.C. § 7413(c)(2), and 18 U.S.C. §§ 1001, 1341 and 1505.**

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Date)







UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

APR 18 2014

**OVERNIGHT AND CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

William R. James, President  
Pruet Production Company  
217 West Capitol Street, Suite 201  
Jackson, Mississippi 39201

Dear Mr. James:

Pursuant to Section 114(a)(1) of the Clean Air Act (the Act), 42 U.S.C. § 7414(a)(1), and under authority delegated to the undersigned, you are hereby requested to provide the U.S. Environmental Protection Agency with information relating to Pruet Production Company (Pruet) condensate tanks and/or condensate tank batteries associated with certain natural gas wells located in Mississippi. Please see Enclosure 4 for a list of the natural gas wells that are the subject of this information request. This information is needed to determine whether Pruet is in compliance with requirements of the Act and its implementing regulations, including, but not limited to, provisions related to air emissions of volatile organic compounds (VOCs). Section 114(a) of the Act, 42 U.S.C. § 7414(a), authorizes the Administrator of the EPA to require any person who owns or operates an emission source, whom the Administrator believes may have information necessary for the purposes set forth in Section 114(a), or who is subject to any requirement of the Act, to provide such information as the Administrator may reasonably require for the purpose of carrying out any provision of the Act. This authority has been duly delegated to the Director of the Air, Pesticides, and Toxics Management Division, Region 4.

Please review and follow the instructions in and, where required, complete the following enclosures: Instructions (Enclosure 1), Definitions (Enclosure 2), Claiming Confidentiality (Enclosure 3), Questions (Enclosure 4), and Statement of Certification (Enclosure 5).

The requested information shall be submitted to the EPA per Enclosure 1. The responses shall be submitted **no later than thirty (30) calendar** days after Pruet's receipt of this letter as determined by the date on the Certified Mail Return Receipt. This information must be submitted to the following individual:

Denis B. Kler  
APTMD/AEEB  
U.S. EPA Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303

Failure to provide the information required by this letter is a violation of the Act and may result in one or more of the following actions: (1) issuance of an order requiring compliance with this request;



(2) issuance of an administrative penalty order pursuant to Section 113(d) of the Act, 42 U.S.C. § 7413(d); (3) commencement of a civil action in accordance with Sections 113(b) and 305 of the Act, 42 U.S.C. §§ 7413(b) and 7605; and/or any other action authorized under the Act.

***You May Claim Confidentiality***

Under Section 114(c) of the Act, 42 U.S.C. § 7414(c), and pursuant to the regulations found at 40 C.F.R. Part 2, Subpart B, including 40 C.F.R. § 2.301, you are entitled to assert a claim of business confidentiality for any information you provide to the EPA that involves trade secrets and which Pruet regards as confidential business information (CBI). For such information, you may request that the EPA treat such information as confidential. Any such claim of confidentiality must conform to the requirements of 40 C.F.R. § 2.203(b). Note that "emission data," as defined by 40 C.F.R. § 2.301(a)(2), cannot be claimed as confidential under Section 114(c) of the Act, 42 U.S.C. § 7414(c). For detailed instructions for claiming confidentiality, please see Enclosure 3. Information you supply under a claim of confidentiality will be treated as CBI to the degree determined appropriate according to the regulations. Please note that any confidentiality claim does not obviate the need to send that portion of the response to the EPA.

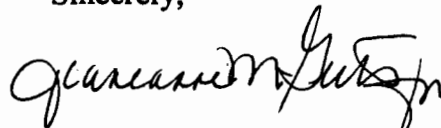
***You Must Certify Your Response***

You are required to attach a properly executed Statement of Certification to your response to this information request. The statement must be signed and dated. This statement certifies that the response submitted to the EPA is complete and contains all documents and information responsive to this request that are known to you, following a complete and thorough review of all information and sources available to you. Failure to properly certify, or submission of a fraudulent certification, may result in criminal proceedings against you. Please see Enclosure 5 for a Statement of Certification template for Pruet's use.

This request is not subject to the Paperwork Reduction Act, 44 U.S.C. §§ 3501 – 3520, because it seeks information from specific individuals or entities as part of an investigation.

If you have any questions regarding this matter, please contact Denis B. Kler at (404) 562-9199.

Sincerely,



Beverly H. Banister, Director  
Air, Pesticides and Toxics  
Management Division

Enclosures:   1 – Instructions  
                  2 – Definitions  
                  3 – Claiming Confidentiality  
                  4 – Questions  
                  5 – Statement of Certification

cc:     Jay Barkley, MDEQ



## **Enclosure 1**

### **INFORMATION REQUEST**

#### **INSTRUCTIONS**

Each of the following instructions applies to each and every question contained in Enclosure 4.

1. If Pruet has no responsive information or documents pertaining to a particular question, submit an affirmative statement and explanation.
2. If your response to a particular question requires a scanned or hardcopy document, you must identify the filename or document title. Make sure to correlate any hardcopy or scanned documents to a specific question. If a document is responsive to more than one question, this must be so indicated and only one copy of the document needs to be provided.
3. Pruet may choose to either submit documents in .pdf format or submit documents as hard copy documents. However, electronic submissions are preferred. Should Pruet choose to provide .pdf electronic documents, do not create separate .pdf files for each page of a single document.
4. Identify each person whom you relied on or consulted with in preparing your responses to each question of this information request. Provide their name, title, job duties and duration of employment with Pruet. If they are not an employee of Pruet, identify their employer and provide their name, title, job duties and duration of employment with their employer.
5. Identify each document consulted, examined, or referred to in the preparation of your response or that contains information responsive to the question, and provide a true and correct copy of each such document if not provided in response to another specific question. Indicate on each document produced in response to this information request the number of the question to which it corresponds.
6. If requested information or documents are not known or are not available to you at the time of your response to this information request, but later become known or available to you, you must supplement your response to the EPA within 30 calendar days of discovery of the responsive information. Moreover, should you find at any time after submission of your response that any portion is or becomes false, incomplete or misrepresents the facts, you must provide the EPA with a corrected response as soon as possible.
7. Provide a separate response to each and every question, and each and every subpart of a question, for each well site identified.



## Enclosure 2

### INFORMATION REQUEST

#### DEFINITIONS

The following definitions apply to each of the questions set forth hereafter and are incorporated therein.

1. The term **"condensate"** shall mean hydrocarbon liquid separated from natural gas that condenses due to changes in the temperature, pressure, or both, and remains liquid at standard conditions.
2. The term **"condensate storage tank"** shall mean atmospheric storage tank(s) that stores hydrocarbon liquids (regardless of API gravity).
3. The term **"control device"** or its plural shall mean the air pollution control equipment used to achieve VOC emission reductions (*e.g.*, flare, enclosed flare, combustor, combustion device, vapor recovery unit, etc.).
4. The terms **"document"** and **"writing"** and the plural forms thereof shall mean all written, recorded or graphic matters, however produced or reproduced, of every kind and description, pertaining in any way to the subject matter of this request, and which are in Pruet's possession, custody or control or to which Pruet has or has had access. The terms "document" and "writing" shall include, but are not limited to: any receipts; invoices; shipping records; purchase orders; purchase records; books; pamphlets; periodicals; memoranda (including those of telephone or oral conversations); contracts; correspondence; agreements; applications; financial records; security instruments; disbursements; checks; bank statements; time records; accounting or financial records; notes; diaries; logs; facsimiles (faxes); telegrams or cables prepared, drafted, received or sent; electronic mail (email), whether drafted, received or sent; tapes; transcripts; recordings; minutes and notes of meetings; directives; work papers; charts; drawings; prints; flow sheets; photographs; infrared camera recordings; film; computer printouts; x-ray photographs; advertisements; catalogs; data; sampling reports, plans, protocols, reports, analyses; or any handwritten, recorded, transcribed punched, taped, filmed or graphic matter, however produced or reproduced.
5. The term **"flash emissions"** shall mean entrained natural gas vapors or other emissions that are released from hydrocarbon liquids when exposed to pressure drops, such as when condensate is transferred from production vessels to other vessels or to atmospheric storage tanks.
6. The term **"site"** or its plural shall mean the property, operations, facilities, and equipment, including condensate tanks and/or condensate tank batteries, presently owned and/or operated by Pruet and associated with certain natural gas wells identified in Enclosure 4.
7. The term **"tank vapor capture system"** or its plural shall include all vent lines, connections, fittings, valves, relief valves, thief hatches or any other appurtenance employed to contain and collect condensate storage tank vapors and transport or convey them to the emission control device.





8. The term **“working, breathing emissions”** shall mean those emissions that can occur as vapors are displaced from the condensate storage tank headspace when the tank is filled (working) or when there are temperature or pressure fluctuations in the condensate storage tank that volatilize lighter ends (breathing/standing).
9. The terms **“you”** and/or **“your”** shall mean Pruet, and all its agents, employees, representatives, investigators, accountants, auditors, attorneys, experts, consultants, and contractors. These terms shall also mean any others who are not listed above and are in possession, custody, or control (actual or constructive) of information relevant to this request or information that is otherwise available to Pruet, or who may have obtained information for or on behalf of Pruet.

All terms not defined in this enclosure have their ordinary meaning, unless such terms are defined in the Clean Air Act and/or its implementing regulations, and in which case the statutory and/or regulatory definitions apply. Words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions. The terms “and” and “or” shall be construed either conjunctively or disjunctively as necessary to bring within the scope of this information request any information which might otherwise be construed to be outside its scope.



### **Enclosure 3**

## **INFORMATION REQUEST**

### **CLAIMING CONFIDENTIALITY**

You may assert a business confidentiality claim over all or part of the information you provide in response to this information request for any business information entitled to confidential treatment under Section 114(c) of the Act, 42 U.S.C. § 7414, and 40 C.F.R. Part 2, Subpart B. Under Section 114(c) of the Act, 42 U.S.C. § 7414(c), you are entitled to claim information that would divulge methods or processes entitled to protection as trade secrets as confidential business information (CBI). Under 40 C.F.R. Part 2, Subpart B, business confidentiality means "the concept of trade secrecy and other related legal concepts which give (or may give) a business the right to preserve the confidentiality of business information and to limit its use or disclosure by others in order that the business may obtain or retain business advantages it derives from its rights in the information." *See* 40 C.F.R. § 2.201(e).

Information covered by a claim of business confidentiality will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Act, 42 U.S.C. § 7414(c), and 40 C.F.R. Part 2, Subpart B. The EPA will construe your failure to furnish a business confidentiality claim with your response to this information request as a waiver of that claim, and the information may be made available to the public without further notice to you.

To assert a business confidentiality claim, you must place on (or attach to) all information you desire to assert as business confidential either a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential" at the time you submit your response to this information request. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and may be submitted separately to facilitate identification and handling by the EPA. You should indicate if you desire confidential treatment only until a certain date or until the occurrence of a certain event.

The criteria the EPA will use in determining whether material you claim as business confidential is entitled to confidential treatment are set forth at 40 C.F.R. §§ 2.208 and 2.301. These regulations provide, among other things, that you must satisfactorily show that: (1) the information is within the scope of business confidentiality as defined at 40 C.F.R. § 2.201(e); (2) that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; (3) the information is not and has not been reasonably obtainable by legitimate means without your consent; and (4) the disclosure of the information is likely to cause substantial harm to your business's competitive position. *See* 40 C.F.R. § 2.208(a)-(d). "Emission data," as defined at 40 C.F.R. § 2.301(a)(2), is expressly not entitled to confidential treatment. *See* 42 U.S.C. § 7414(c); 40 C.F.R. § 2.301(e).

If you assert a claim of business confidentiality in connection with information and documents forwarded in response to this request for information, in accordance with 40 C.F.R. § 2.204(e)(4), the EPA is requesting that you answer the following questions below with respect to any information or document for which you assert a claim of business confidentiality concurrent with your response to this information request.



1. What specific portions of the information are alleged to be entitled to confidential treatment? Specify by page, paragraph and sentence when identifying the information subject to your claim.
2. For what period of time do you request that the information be maintained as confidential, *e.g.*, until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, specify that event. Additionally, explain why the information should be protected for the time period you have specified.
3. What measures have you taken to protect the information claimed as confidential from undesired disclosure? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available material such as the internet, publicly available databases, promotional publications, annual reports, or articles? Are there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity whether disclosure of the information is likely to result in substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
7. Is there any other explanation you deem relevant to the EPA's determination of your business confidentiality claim that is not covered in the preceding questions? If so, you may provide such additional explanation.
8. Explain why any information that you claim as business confidential information should not be considered "emission data" as defined in 40 C.F.R. § 2.301(a)(2).

You must furnish answers or comments to the above questions concurrent with your response to this information request if you have claimed any information as business confidential. *See* 40 C.F.R. § 2.204(e)(2). The EPA will construe your failure to furnish timely answers or comments as a waiver of your confidentiality claim, consistent with 40 C.F.R. § 2.204(e)(1).

Pursuant to 40 C.F.R. § 2.205(c), you are hereby advised that information you submit as part of your answers or comments may be regarded by the EPA as entitled to confidential treatment if, when it is received by the EPA, it is marked in accordance with 40 C.F.R. § 2.203(b). As required by 40 C.F.R. § 2.204(e)(6), you may assert a business confidentiality claim covering all or part of your response to these questions, as provided in 40 C.F.R. § 2.203(b). Information covered by such a claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Act, 42 U.S.C. 7414(c), and 40 C.F.R. Part 2. The EPA will construe the failure to furnish a confidentiality claim with your response to this information request as a waiver of that claim, and the information may be made available to the public without further notice to you.



## **Enclosure 4**

### **INFORMATION REQUEST**

#### **QUESTIONS**

Provide the following information using the instructions and definitions provided in Enclosures 1 and 2. A response must be sent to the EPA **no later than thirty (30) calendar days** after Pruet receives this request. **Each question in this request covers the well site identified below by American Petroleum Institute (API) number.**

A. API #23-067-20656-0100; Nicholson 5-11; Jones County, Mississippi

1. Provide a detailed discussion of where and how the condensates are separated from the full well production stream and how the condensates are handled, as well as their destination after they are separated. Your response should include, but not be limited to, whether the full production stream is separated at the well site or any other location. If the full production stream is separated at another location, then provide the name, address and contact information of the location(s) where the condensate is separated and where it is stored.
2. Provide copies of the following documents and writings related to the site:
  - a. All federal and/or state permits, general permits, registrations, notifications, authorizations, and/or determinations (including any claimed exemption authorizations which do not require notification) relating to federal and/or state permitting applicability pursuant to the Clean Air Act and its implementing regulations;
  - b. All permit applications, supporting materials, and correspondence with any federal and/or state permitting authority regarding the approval or disapproval of such applications, registrations, notifications, authorizations, determinations, or permits; and
  - c. All information, analyses, calculations, and correspondence utilized in concluding that a permit, registration, notification, authorization, and/or determination was or was not required under the Clean Air Act.
3. Provide copies of all documents and writings that refer, pertain, or relate to:
  - a. Estimates or calculations of VOC emissions at the site, including, but not limited to, estimates generated by process simulator software and direct measurements; and
  - b. The site's potential to emit (PTE) for VOCs; and/or the API Gravity and Reid Vapor Pressure (RVP) (psia) of the condensate.
4. Provide monthly data for actual condensate throughput (in barrels) from January 1, 2009 (or from the first date of operation if the site was not yet operational) through the date of this request for each condensate storage tank at the site that did or does receive and store condensate.
5. Provide copies of all documents and writings that reference an emission factor for VOCs from condensate storage tanks (in any unit of measure, including, but not limited to, pounds of VOCs per barrel of condensate produced).
6. Provide an engineering process flow diagram(s) (PFDs) of the site. The PFDs shall include any tank vapor capture system(s) and emission control device(s) and identify the location and settings of each





pressure relief valve and each thief hatch installed on each condensate storage tank and connecting vent system(s).

7. Identify the type, make, model, serial number, rated control efficiency, rated vent gas throughput capacity, date of installation, and date operation commenced for each VOC control device and tank vapor capture system for the condensate storage tank(s) at the site. Identify the peak flow rates of both flash gases and total gases to each control device.
8. Identify the dates of installation and describe all existing or planned installations of buffer tanks, vapor recovery towers, tank vapor capture systems, or other units/equipment designed to minimize flash emissions or the potential for over-pressurizing the site's condensate storage tank(s).
9. If you own or operate the well site and engage in full well production stream condensate separation activities (regardless of the location of the separation activities or the condensate destination), then provide the estimated working, breathing, and flash emissions (in tons per year) from each of the site's current condensate storage tanks using API E&P TANK, Version 2.0 or later. The software inputs shall be based on analyses of representative pressurized liquid and gas samples from the pressurized vessel immediately upstream of the condensate storage tanks. Software inputs will be deemed non-representative if they are: obtained from the Geographical Database of sampled sites; liquid and gas samples collected from process vessels other than the pressurized vessel immediately prior to the condensate storage tanks; or are liquid and gas samples gathered more than 12 months prior to the date of this request. Provide copies of the input data, all documents and writings relied upon for the input data, and the generated model output data (*i.e.*, include a complete printout of the report and not just the results page).
  - a. To conduct representative pressurized liquid and gas sampling and analyses, provide an extended hydrocarbon liquid analysis sampling plan for review and approval no later than 15 calendar days prior to conducting the sampling. The sampling plan shall identify the sampling protocol(s), analytical method(s), and schedule of sampling locations.



**Enclosure 5**

**INFORMATION REQUEST**

**STATEMENT OF CERTIFICATION**

**I certify that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my personal inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Act, 42 U.S.C. § 7413(c)(2), and 18 U.S.C. §§ 1001, 1341 and 1505.**

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Date)





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

MAY 06 2014

**UNITED PARCEL SERVICE**

Kurt Fogleman  
Environmental Health and Safety Manager  
Perma-Fix Southeast Region  
1940 NW 67<sup>th</sup> Place  
Gainesville, Florida 32653

Dear Mr. Fogleman:

The purpose of this letter is to request information as part of a U.S. Environmental Protection Agency investigation of the Perma-Fix of South Georgia (PSGI) facility located in Valdosta, Georgia, to determine the compliance status with the requirements of the Clean Air Act (CAA). Section 114(a) of the CAA, 42 U.S.C. § 7414(a), authorizes the Administrator of the EPA to require any person who owns or operates an emission source, whom the Administrator believes may have information necessary for the purposes of Section 114(a), or who is subject to any requirement of the CAA, to provide such information as the Administrator may reasonably require for the purpose of carrying out any provision of the CAA. This authority has been duly delegated to the Director of the Air, Pesticides, and Toxics Management Division, Region 4.

Therefore, pursuant to Section 114(a) of the CAA, PSGI is directed to respond to the enclosed Information Request **within thirty (30) days** of your receipt of this letter, unless the EPA, for good cause shown, extends in writing the deadline for responding to the request. You should respond to this Information Request as completely as possible. The response must be delivered to the EPA or postmarked no later than the above deadline. Send one complete copy of your response, including supporting documentation, to the following address:

Mr. Todd Groendyke  
Air and EPCRA Enforcement Branch  
U.S. EPA, Region 4  
Atlanta Federal Center  
61 Forsyth Street, SW  
Atlanta, Georgia 30303

Failure to provide the information required may result in the issuance of an Order requiring compliance with the requirements contained herein, or the initiation of a civil action pursuant to Section 113 of the CAA, 42 U.S.C. § 7413. This may include civil and/or administrative penalties of up to \$37,500 per day of noncompliance, pursuant to Sections 113(b) and (d) of the CAA, 42 U.S.C. § 7413(b) and (d).

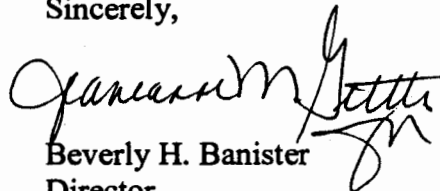


You are entitled to assert a claim of business confidentiality covering all or part of any required information, in the manner described at 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth at 40 C.F.R. Part 2, Subpart B. Unless a confidentiality claim is asserted at the time the required information is provided, the EPA may make this information available to the public without further notice to you. Notwithstanding the above, the information you provide may be used by the EPA in administrative, civil and criminal proceedings.

This request is exempt from the requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501 et seq., because it seeks the collection of information by an agency from specific individuals or entities as part of an administrative action or investigation.

The EPA would be pleased to work with you and hear any suggestions you may have regarding how to provide the EPA with the information it needs to fully evaluate these issues with minimal disruption of your normal activities. If you have any questions relating to this Information Request, you may consult with the EPA prior to the time specified above. Questions should be directed to Mr. Todd Groendyke at (404) 562-8262. Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Beverly H. Banister", is written over the typed name.

Beverly H. Banister  
Director

Air, Pesticides and Toxics Management Division

Enclosure: Information Request

cc: Michael Odom (w/enclosure)  
Georgia Environmental Protection Division





## **INFORMATION REQUEST**

### **INSTRUCTIONS**

1. Please provide a separate response to each question and subpart of a question set forth in this Information Request and precede each answer with the number of the question to which it corresponds.
2. For each question, identify each person responding to any question contained in this Information Request on your behalf, as well as each person consulted in the preparation of a response.
3. For each question, identify each document consulted, examined, or referred to in the preparation of the response or that contains information responsive to the question, and provide a true and correct copy of each such document if not provided in response to another specific question. Indicate on each document produced in response to this Information Request the number of the question to which it corresponds.
4. If requested information or documents are not known or are not available to you at the time of your response to this Information Request, but later become known or available to you, you must supplement your response to the EPA. Moreover, should you find at any time after submission of your response that any portion is or becomes false, incomplete, or misrepresents the facts, you must provide the EPA with a corrected response as soon as possible.
5. Requested information can be submitted in electronic form if applicable.



## **DEFINITIONS**

1. The term "document" means written documentation of any kind, including documentation solely in electronic form. It includes any document in the possession or control of the company or the possession or control of any person or entity hired by the company. A copy of a document rather than the original may be provided.
2. The terms "person" or "persons" shall have the meaning set forth in Section 302(e) of the CAA, 42 U.S.C. § 7602(e), and includes an individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency, department, or instrumentality of the United States and any officer, agent or employee thereof.
3. The terms "relate to" or "pertain to" (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.
4. The terms "you" or "your", as used in each of the questions set forth in the attached Section 114 letter, refers to, and shall mean, the company or corporation with which each addressee of the attached Section 114 letter is affiliated, including its subsidiaries, divisions, affiliates, predecessors, successors, assigns, and its former and present officers, directors, agents, employees, representatives, attorneys, consultants, accountants and all other persons acting on its behalf.
5. The term "facility" shall mean the hazardous waste treatment and storage facility (including all physical structures) operated by Perma-Fix of South Georgia located at 1612 James P. Rogers Circle in Valdosta, Georgia.
6. The term "incident" shall mean the fire that occurred on or around August 14, 2013, at Perma-Fix's facility located at 1612 James P. Rogers Circle in Valdosta, Georgia.
7. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
8. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.
9. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter.
10. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise



be construed to be outside its scope.

11. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in the Clean Air Act or 40 C.F.R. in which case the statutory or regulatory definitions shall apply.



## **INFORMATION REQUEST**

You are hereby required, in accordance with Section 114(a) of the CAA, 42 U.S.C. § 7414(a), to provide the following information for the Perma-Fix of South Georgia (PSGI) facility located in Valdosta, Georgia.

1. Provide a map of the facility and the area immediately surrounding the facility. On this map, identify the area where the incident occurred and indicate the distance in feet from the incident area to the facility's fence line, the nearest residential area, and the nearest commercial area.
2. Provide a copy of any video or photographs that document or pertain to the incident.
3. Provide block process flow diagrams (PFD) that were accurate at the time of the incident for the process that was involved in the incident. Identify on these diagrams the area where the incident occurred.
4. Provide piping and instrumentation diagrams (P&ID) that were accurate at the time of the incident for the process that was involved in the incident. Identify on this diagram the area where the incident occurred.
5. Provide the following information concerning the chemicals involved in the incident:
  - a. A list of all chemicals involved in the incident;
  - b. The quantity of each chemical involved in the incident;
  - c. The name and contact information for the supplier of each chemical; and
  - d. For each chemical identified above, provide its Material Safety Data Sheet (MSDS) and Product Safety Bulletin for the last 5 years.
6. Provide a copy of all hazard assessments PSGI performed at their Valdosta facility. These assessments should include, but not be limited to, process hazard analyses, hazard and operability studies, failure mode and effect analyses, layer of protection analyses, fault tree analyses, root cause analyses, or hazard check lists.
7. Provide a copy of any communications, including all attachments, between PSGI and any federal, state or local government agency pertaining to the incident.
8. Provide a list of all operating parameters that are monitored in the process area where the incident occurred. For each parameter identified, provide a narrative description of the instruments and methods that are used to monitor each parameter and provide a copy of the parameter readings beginning from 24 hours prior to the incident up to and including the time of the incident.
9. Provide a copy of all standard operating procedures used at the PSGI facility. If changes have been made to these procedures since the incident, please provide the current version and the version in use at the time of the incident.
10. Provide a copy of all documents used by PSGI for hazard communication. If changes have been made to these documents since the incident, please provide the current version and the





version in use at the time of the incident.

11. Provide a copy of the facility's emergency response plan. If changes have been made to this plan since the incident, please provide the current version and the version in use at the time of the incident.
12. Identify all American Petroleum Institute (API), American National Standards Institute (ANSI), American Society of Mechanical Engineers (ASME), Compressed Gas Association (CGA) and National Fire Protection Association (NFPA) standards or any other industry standards that apply to the process area involved in the incident.
13. Provide a copy of any insurance inspection or audit report for the facility from January 1, 2003 to the present.
14. Provide complete copies, including all attachments, of any email or correspondence from August 1, 2013, to present, that is to or from any PSGI environmental, health, safety, engineering, process or operations manager and is pertaining to the incident or contains any of the following keywords: fire, NFPA, explosion.
15. Provide a written narrative explanation for the cause of the incident. The explanation should contain, but not be limited to, the following sections<sup>1</sup>:
  - a. Abstract: A one page summary of the incident, consequences, and causes.
  - b. Background: This section should present an overview of the process and events leading up to the incident. Background information for the facility includes such items as history, age, size, expansions, major events and technical sophistication.

Significant process conditions preceding the incident should be identified, especially if the process is a batch operation or if there was any known deviation from normal conditions, sequences, flows, pressures, concentrations, temperatures, pH or other process parameters.
  - c. Narrative: The incident scenario should be described in chronological order. It should give precise and specific information using identification numbers and location of equipment, names of employees that were involved, a list of local, state or federal agencies that were contacted and/or responded to the incident. The extent of injuries, damage, evacuations, shelter-in-place orders, releases and impacts to the environment should be included in this section.
  - d. Root Causes: All of the system root causes of the incident should be identified, analyzed and discussed in this section. This section should also include a discussion of rejected or less probable scenarios.

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<sup>1</sup> These sections are described in detail in chapter 7 of *Guidelines for Investigating Chemical Process incidents*, American Institute of Chemical Engineers, Center for Chemical Process Safety, 1992.



- e. Other: This section contains supplemental information such as maps, flow sheets, diagrams, photographs, material safety data sheets, a list of reference materials consulted, a list of the individuals involved or consulted in drafting the narrative, a description of investigative methods and approaches used, a glossary of terms and acronyms, a bibliography, log sheets, computer printouts, and pertinent extracts from witness interviews.
16. Explain what steps the facility has taken or will take to prevent similar incidents from occurring.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

**UNITED PARCEL SERVICE**

**AUG 19 2014**

Mr. Jim Tracewski  
Manager, Environmental Engineering  
Hoeganaes Corporation  
1315 Airport Road  
Gallatin, Tennessee 37066

Dear Mr. Tracewski:

The purpose of this letter is to request information as part of a U.S. Environmental Protection Agency investigation of the Hoeganaes Corporation, facility located in Gallatin, Tennessee, to determine the compliance status with the requirements of the Clean Air Act (CAA). Section 114(a) of the CAA, 42 U.S.C. § 7414(a), authorizes the Administrator of the EPA to require any person who owns or operates an emission source, whom the Administrator believes may have information necessary for the purposes of Section 114(a), or who is subject to any requirement of the CAA, to provide such information as the Administrator may reasonably require for the purpose of carrying out any provision of the CAA. This authority has been duly delegated to the Director of the Air, Pesticides, and Toxics Management Division, Region 4.

Therefore, pursuant to Section 114(a) of the CAA, Hoeganaes Corporation, is directed to respond to the enclosed Information Request **within thirty (30) days** of your receipt of this letter, unless the EPA, for good cause shown, extends in writing the deadline for responding to the request. You should respond to this Information Request as completely as possible. The response must be delivered to the EPA or postmarked no later than the above deadline. Send one complete copy of your response, including supporting documentation, to the following address:

Mr. Todd Groendyke  
Air and EPCRA Enforcement Branch  
U.S. EPA, Region 4  
Atlanta Federal Center  
61 Forsyth Street, SW  
Atlanta, Georgia 30303

Failure to provide the information required may result in the issuance of an Order requiring compliance with the requirements contained herein, or the initiation of a civil action pursuant to Section 113 of the CAA, 42 U.S.C. § 7413. This may include civil and/or administrative penalties of up to \$37,500 per day of noncompliance, pursuant to Sections 113(b) and (d) of the CAA, 42 U.S.C. § 7413(b) and (d).

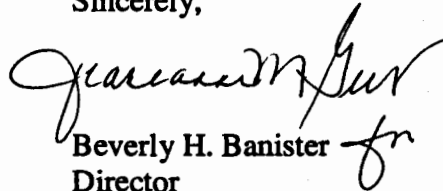


You are entitled to assert a claim of business confidentiality covering all or part of any required information, in the manner described at 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth at 40 C.F.R. Part 2, Subpart B. Unless a confidentiality claim is asserted at the time the required information is provided, the EPA may make this information available to the public without further notice to you. Notwithstanding the above, the information you provide may be used by the EPA in administrative, civil and criminal proceedings.

This request is exempt from the requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501 et seq., because it seeks the collection of information by an agency from specific individuals or entities as part of an administrative action or investigation.

If you have any questions relating to this Information Request, you may consult with the EPA prior to the time specified above. Questions should be directed to Mr. Todd Groendyke at (404) 562-8262. Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Beverly H. Banister", with a stylized flourish at the end.

Beverly H. Banister

Director

Air, Pesticides and Toxics Management Division

Enclosure: Information Request

cc: Barry R. Stephens (w/enclosure)  
Division of Air Pollution Control  
Tennessee Department of Environment and Conservation





## **INFORMATION REQUEST**

### **INSTRUCTIONS**

1. Please provide a separate response to each question and subpart of a question set forth in this Information Request and precede each answer with the number of the question to which it corresponds.
2. For each question, provide a separate response for each Incident.
3. For each question, identify each person responding to any question contained in this Information Request on your behalf, as well as each person consulted in the preparation of a response.
4. For each question, identify each document consulted, examined, or referred to in the preparation of the response or that contains information responsive to the question, and provide a true and correct copy of each such document if not provided in response to another specific question. Indicate on each document produced in response to this Information Request the number of the question to which it corresponds.
5. If requested information or documents are not known or are not available to you at the time of your response to this Information Request, but later become known or available to you, you must supplement your response to EPA. Moreover, should you find at any time after submission of your response that any portion is or becomes false, incomplete, or misrepresents the facts, you must provide EPA with a corrected response as soon as possible.
6. Requested information can be submitted in electronic form if applicable.



## **DEFINITIONS**

1. The term "document" means written documentation of any kind, including documentation solely in electronic form. It includes any document in the possession or control of the company or the possession or control of any person or entity hired by the company. A copy of a document rather than the original may be provided.
2. The terms "person" or "persons" shall have the meaning set forth in Section 302(e) of the CAA, 42 U.S.C. § 7602(e), and includes an individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency, department, or instrumentality of the United States and any officer, agent or employee thereof.
3. The terms "relate to" or "pertain to" (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.
4. The terms "you" or "your", as used in each of the questions set forth in the attached Section 114 letter, refers to, and shall mean, the company or corporation with which each addressee of the attached Section 114 letter is affiliated, including its subsidiaries, divisions, affiliates, predecessors, successors, assigns, and its former and present officers, directors, agents, employees, representatives, attorneys, consultants, accountants and all other persons acting on its behalf.
5. "Facility" means the powdered iron production plant (including all physical structures) operated by Hoeganaes Corporation, located at 1315 Airport Road in Gallatin, Tennessee.
6. The "Incident(s)" means the metal dust flash fires and explosions that occurred on January 31, 2011, March 29, 2011 and May 27, 2011.
7. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
8. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.
9. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter.
10. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.



11. The terms "segregation", "separation", "detachment", "dust explosion hazard", "dust flash fire hazard area" are defined in the National Fire Protection Association's (NFPA), Standard for Combustible Metals.
12. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in the Clean Air Act or 40 C.F.R. in which case the statutory or regulatory definitions shall apply.



## **INFORMATION REQUEST**

You are hereby required, in accordance with Section 114(a) of the CAA, 42 U.S.C. § 7414(a), to provide the following information for the Hoeganaes Corporation Facility located in Gallatin, Tennessee.

1. List all areas of the facility that are classified as dust explosion hazard or dust flash fire hazard areas. Further identify these areas by highlighting them on a site map.
2. Please provide a narrative description of all housekeeping, safety, and operating procedure changes pertaining to metal dust that were made at the facility since January 1, 2011. When describing a change please describe the procedure or policy that was in place prior to the change and explain why the change was made.
3. Please provide the following information regarding the current contractor that Hoeganaes uses for metal dust clean-up:
  - a. The name and contact information of the company;
  - b. A copy of the contract between the company and Hoeganaes; and
  - c. A narrative description of the work performed.
4. Indicate whether the facility uses segregation, separation or detachment, as defined in the NFPA Standard for Combustible Metals, to limit dust hazard areas.
5. Provide a current copy of the emergency procedures for a metal dust flash fire or explosion. If these procedures have been changed since any of the incidents, provide a copy of the previous version and identify what changes were made.
6. Provide a current copy of the facility's management of change procedures. If these procedures have been changed since any of the incidents, provide a copy of the previous version and identify what changes were made.
7. For the period of time from January 1, 2011, to present, provide copies of records of inspections to detect the accumulation of excessive fugitive metal dust.
8. Specify the dust accumulation threshold that warrants nonscheduled cleaning of a process area.
9. Provide a written narrative description including technical specifications and process flow diagrams of the dust filter, collection and control systems for the band furnace process areas.
10. Indicate whether or not the metal dust involved in January 31, 2011, March 29, 2011, and May 27, 2011, flash fires and explosions is a combustible metal dust as defined by the NFPA, Standard for Combustible Metals. Include a basis for the statement.





11. Provide complete copies including all attachments of any test reports on the explosibility or combustibility of any metal dust that is stored, used or produced at the facility.
12. Please provide the following information for the metal dust associated with the January 31, 2011, March 29, 2011, and May 27, 2011, flash fires and explosions:
  - a. The particle size of the dust;
  - b. Dust deflagration index ( $K_{st}$ );
  - c. Maximum explosion overpressure generated in the test chamber ( $P_{max}$ );
  - d. Maximum rate of pressure rise ( $dp/dt_{max}$ );
  - e. Minimum ignition energy (MIE);
  - f. Minimum explosible concentration (MEC);
  - g. Limiting oxygen concentration (LOC); and
  - h. Electrostatic charging tendency (ECT).
13. Provide a copy of any insurance inspection report, risk analysis, audit or recommendations for the facility from January 1, 2003, to present.
14. Please provide the following information pertaining to any hydrogen supply or hydrogen vent piping at the facility:
  - a. A narrative description of any inspection that has been or is scheduled to be performed;
  - b. The frequency of each inspection described in 16a;
  - c. A list of all employees or contractors that participate in each inspection described in 16a; and
  - d. A copy of any inspection report from January 1, 2011, to present.
15. Please provide the following information for each of the facility's band furnaces:
  - a. The operating temperature of the band furnace;
  - b. The temperature of the hydrogen gas in the supply line;
  - c. The temperature of the hydrogen gas inside the furnace; and
  - d. The temperature of the hydrogen gas inside the vent line.
16. For the January 31, 2011, and March 29, 2011, incidents provide a written narrative explanation for the cause of the incident. The explanation should contain, but not be limited to, the following sections<sup>1</sup>:
  - a. Abstract: A one page summary of the incident, consequences, and causes.

---

<sup>1</sup>These sections are described in detail in chapter 7 of *Guidelines for Investigating Chemical Process incidents*, American Institute of Chemical Engineers, Center for Chemical Process Safety, 1992.



- b. **Background:** This section should present an overview of the process and events leading up to the incident. Background information for the facility includes such items as history, age, size, expansions, major events and technical sophistication.

Significant process conditions preceding the incident should be identified, especially if the process is a batch operation or if there was any known deviation from normal conditions, sequences, flows, pressures, concentrations, temperatures, pH or other process parameters.

- c. **Narrative:** The incident scenario should be described in chronological order. It should give precise and specific information using identification numbers and location of equipment, names of employees that were involved, a list of local, state or federal agencies that were contacted and/or responded to the incident. The extent of injuries, damage, evacuations, shelter-in-place orders, releases and impacts to the environment should be included in this section.
  - d. **Root Causes:** All of the system root causes of the incident should be identified, analyzed and discussed in this section. This section should also include a discussion of rejected or less probable scenarios.
  - e. **Other:** This section contains supplemental information such as maps, flow sheets, diagrams, photographs, material safety data sheets, a list of reference materials consulted, a list of the individuals involved or consulted in drafting the narrative, a description of investigative methods and approaches used, a glossary of terms and acronyms, a bibliography, log sheets, computer printouts, and pertinent extracts from witness interviews.
17. Please describe the type of training provided to the employees at the facility and the protocols followed to avoid flammable gas fires and respond to fires or emergencies. Please provide any written materials related to this training and protocols.
18. Please describe the type of personal protective equipment (PPE) that employees at the facility are currently required to wear. Please indicate whether you revised the required PPE subsequent to May 2011.
19. Please provide complete copies of all reports and audits regarding the facility prepared by Exponent or Engineering Services from January 1, 2009, to present.
20. Please provide a complete copy of your current process safety management manual related to the hydrogen system used at the facility.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

FEB 05 2013

12-105-00233  
RFS#

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

PSD  
national institute (lead center)

Ms. Karen Sheffield  
Director, Polk Power Station  
Tampa Electric Company  
Post Office Box 111  
Tampa, Florida 33601-0111

Dear Ms. Sheffield:

The purpose of this letter is to request information as part of a U.S. Environmental Protection Agency investigation to determine the compliance status of the Sulfuric Acid Plant at the Tampa Electric Company, Polk Power Station located in Mulberry, Florida, with the Clean Air Act (CAA), 42 U.S.C. § 7401, *et seq.*

Section 114(a) of the CAA, 42 U.S.C § 7414(a), authorizes the Administrator of the EPA to require any person who owns or operates an emission source, whom the Administrator believes may have information necessary for the purposes of Section 114(a), or who is subject to any requirement of the CAA, to provide such information as the Administrator may reasonably require for the purpose of carrying out any provision of the CAA. This authority has been duly delegated to the Director of the Air, Pesticides, and Toxics Management Division, Region 4.

Therefore, pursuant to Section 114(a), Tampa Electric Company is directed to respond to the Information Request (See Enclosure B) within **forty-five (45) days** of receipt of this letter. The EPA, for good cause shown, may extend the deadline for responding to the request. You should respond to this Information Request as completely as possible. Please see Enclosure D for the Statement of Certification. Instructions to aid in preparing the response are in Enclosure A. The response must be delivered to the EPA or postmarked no later than the above deadline. Send one complete copy of your response, including supporting documentation, to the following address:

Rosalyn Hughes  
South Air Enforcement Section  
U.S. EPA, Region 4  
Atlanta Federal Center  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303



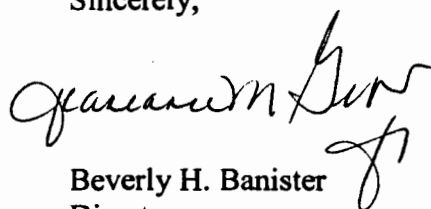
You are entitled to assert a claim of business confidentiality covering all or part of any required information except emission data, in the manner described at 40 C.F.R. §2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth at 40 C.F.R. Part 2, Subpart B. Unless a confidentiality claim is asserted at the time the required information is provided, the EPA may make this information available to the public without further notice to you. Notwithstanding the above, the information you provide may be used by the EPA in administrative, civil, and criminal proceedings. If you make a business confidentiality claim, you will receive a letter inviting your comments on the questions identified in Enclosure C.

Failure to comply with this requirement to provide information is a violation of Section 114 of the CAA and could result in an enforcement action for the recovery of civil penalties not to exceed \$37,500 per day, per violation, or for injunctive relief or both. Section 113, 42 U.S.C. §7413, of the CAA gives the EPA the authority to seek criminal penalties from any person who knowingly makes any false statement, representation, or certification in any report required under the CAA.

This required submittal of information is not subject to the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. Chapter 35.

If you have any questions relating to this Information Request, you may consult with the EPA prior to the above specified time. Questions should be directed to Ms. Rosalyn Hughes at (404) 562-9206 or by email at [hughes.rosalyn@epa.gov](mailto:hughes.rosalyn@epa.gov). Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Beverly H. Banister", with a stylized flourish at the end.

Beverly H. Banister  
Director  
Air, Pesticides, and Toxics  
Management Division

#### Enclosures

cc: Jeff Littlejohn (w/enclosures), Florida DEP  
Brian Accardo (w/enclosures), Florida DEP  
Jeff Koerner (w/enclosures), Florida DEP





## **ENCLOSURE A**

### **INSTRUCTIONS**

1. Please identify the individual(s), including title, responsible for responding to this request.
2. Provide a separate narrative response to each question and subpart of a question set forth in the Information Request.
3. Precede each answer with the number of the question to which it corresponds and at the end of each answer identify the person(s) that provided information that was used or considered in responding to that question, as well as each person that was consulted in the preparation of that response.
4. Indicate on each document produced in response to this Information Request, or in some other reasonable manner, the number of the question to which it corresponds.
5. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
6. Where documents or information necessary for a response are neither in your possession nor available to you, indicate in your response why such documents or information is not available or in your possession and identify any source that either possesses or is likely to possess such information.
7. Requested information can be submitted in electronic form, if applicable.

### **DEFINITIONS**

All terms used in this Information Request will have their ordinary meaning unless such terms are defined in the Act, 42 U.S.C. § 7401, C.F.R. Part 60 or other Clean Air Act (CAA) implementing regulations. Reference is made to the EPA regulatory provisions only; however, you should apply the applicable Federally-approved state provisions when appropriate. Definitional clarification is specified below.

1. The term "capital expenditure," "capital appropriation," or "capital project" means a monetary expenditure on depreciable equipment, including any costs to design, engineer, transport, and install said equipment. The term "construction" means fabrication, erection, or installation of depreciable equipment.
2. The term "continuous emissions monitoring system" means the total equipment, required under the emission monitoring sections in applicable subparts, used to sample and condition (if applicable), to analyze, and to provide a permanent record of emissions or process parameters.
3. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and



readable by U.S. EPA, with all necessary documentation and support. All documents in hard copy should also include attachments to or enclosures with any document.

4. The term "modification" or "modify" means any physical or operational change.
5. The term "capital appropriation request" shall mean the document used by plant personnel in seeking management approval for planned capital expenditures at the facility. These documents are also known as authorizations for expenditure, capital requests or other, similar names.
6. The terms "person" or "persons" shall have the meaning set forth in Section 302(e) of the CAA, 42 U.S.C. § 7602(e), and include an individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency, department, or instrumentality of the United States and any officer, agent or employee thereof.
7. The terms "relate to" or "pertain to" (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.
8. The term "air construction permit" shall mean any permit to construct, install, or modify any source of air pollution issued under rules or regulations promulgated under the CAA.
9. The term "replacement" or "upgrade" shall mean the replacement of depreciable equipment.
10. The term "source" means "major source" as defined in Section 501 of the CAA, 42 U.S.C. § 7661.
11. The term "tons" means short tons or 2,000 pounds.
12. "Nominal Dollars" means dollars unadjusted for inflation.



**ENCLOSURE B**  
**INFORMATION REQUEST**

You are hereby required, in accordance with § 114(a) of the Act, 42 U.S.C. § 7414(a), unless otherwise stated for questions 1 through 13, to provide the following information for Tampa Electric Company, Polk Power Station, Mulberry, Florida.

1. Please provide the following information:
  - a) A brief description of the operational status of the sulfuric acid plant;
  - b) The original rated capacity and the current rated capacity expressed as tons per day;
  - c) The original date of construction;
  - d) A description of any air pollution control equipment;
  - e) A detailed process flow diagram;
  - f) Describe the role of the sulfuric acid plant in the integrated coal gasification combined cycle process and what happens to the sulfuric acid after it is produced; and
  - g) Explain whether or not Tampa Electric Company regards the sulfuric acid plant as an "affected facility" or "existing facility" for the purposes of New Source Performance Standards (NSPS) as defined under 40 C.F.R. § 60.2 and why.
2. The total cost, in nominal dollars, of the original purchase and installation of the sulfuric acid plant.
3. The maximum 100% sulfuric acid production rate of the sulfuric acid plant achievable in practice as of the date of construction, in short tons per day. Provide a list of all changes to this value since that date.<sup>1</sup> Please include with this response any documentation that supports this data.
4. The monthly production of sulfuric acid and related products (i.e. oleum) from each sulfuric acid plant each year since the date of construction in tons. Include year-to-date production information for 2012. Please provide this information in an electronic format that may be edited by a spreadsheet program such as Microsoft Excel.
5. Provide the current maximum 100% sulfuric acid production rate of the sulfuric acid plant achieved in practice, in tons per day.
6. A list of all capital expenditures greater than \$25,000 commenced at the sulfuric acid plant since completion of its installation/construction until the present. This list should contain the approximate date of each project, a brief description of each project, a breakdown of expenses, vendor information, and the fixed capital cost of each project in nominal dollars.
7. For any capital construction project commenced since the plant's original date of construction costing over \$100,000, provide copies of the capital appropriations requests justifying the expenditure.
8. Please provide copies of all documents or reports including, but not limited to, all supplemental or supporting documents including engineering analysis, designs, and drawings, spreadsheets, electronic files, handwritten calculations, and conversion factors and values, or other documentation

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<sup>1</sup> In responding to this request, it is not necessary to list any changes to the production rate achievable in practice caused by ambient weather conditions, catalyst deterioration, catalyst maintenance, or routine catalyst replacement. These values should be provided assuming beginning-of-run catalyst and ideal ambient weather conditions.



generated by or prepared on behalf of the sulfuric acid plant between January 1, 1996 and the present that discuss plans to replace, modify, or upgrade equipment at the sulfuric acid plant. All NSPS applicability requests submitted by the company are also responsive to this request.

9. A list of all turnarounds of the sulfuric acid plant since the plant's original date of construction. Please include the date the turnaround commenced, the date the plant was restarted, and a brief description of work performed during the turnaround.
10. A summary of the results of all emission test runs, emissions characterizations, or emissions studies (including potential to emit calculations for PM, SO<sub>2</sub>, CO, NO<sub>x</sub>, and VOC), conducted or attempted at each sulfuric acid plant since January 1, 1996 (it is not necessary to provide the full emission test report). Include with this information relevant operating parameters measured during these tests/studies, such as 100% sulfuric acid production rate and stack gas flow rates.
11. For each sulfuric acid plant equipped with an SO<sub>2</sub> continuous emissions monitoring system (CEMS), provide the hourly measurement of each parameter monitored by the CEMS each day since the date of initial startup. Please provide this information in an electronic format that may be edited by a spreadsheet program such as Excel or comparable software.
12. A description of the CEMS associated with each sulfuric acid plant. In this description, provide the following information:
  - a) a list of each analyzer in service along with a brief description;
  - b) each analyzer's dates of service;
  - c) whether each analyzer is in conformance with the applicable EPA Performance Specification in 40 C.F.R. Part 60 Appendix B; and
  - d) the parameters monitored by each CEMS (i.e. mass emission rate, concentration, production based emission rate and corresponding conversion factors).
13. All permit application materials, including any related correspondence to the Florida Department of Environmental Protection or any local permitting authority, for each air construction permit issued to construct or modify any sulfuric acid plant currently in operation at the facility since the original construction.





## **ENCLOSURE C**

### **CONFIDENTIAL BUSINESS INFORMATION (CBI) ASSERTION AND SUBSTANTIATION REQUIREMENTS**

You may assert a business confidentiality claim covering all or part of the information you provide in response to this information request for any business information entitled to confidential treatment under Section 114(c) of the Clean Air Act (the Act), 42 U.S.C. §7414, and 40 CFR Part 2, subpart B. Under Section 114(c) of the Act, you are entitled to confidential treatment of information that would divulge methods or processes entitled to protection as trade secrets. Under 40 CFR Part 2, subpart B, business confidentiality means the concept of trade secrecy and other related legal concepts which give (or may give) a business the right to preserve the confidentiality of business information and to limit its use or disclosure by others in order that the business may obtain or retain business advantages it derives from its rights in the information. See 40 CFR §2.201(e).

The criteria EPA will use in determining whether material you claim as business confidential is entitled to confidential treatment are set forth at 40 CFR §2.208 and 2.301. These regulations provide, among other things, that you must satisfactorily show that: (1) the information is within the scope of business confidentiality as defined at 40 CFR §2.201(e), (2) that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, (3) the information is not and has not been reasonably obtainable by legitimate means without your consent, and (4) the disclosure of the information is likely to cause substantial harm to your business' competitive edge. See 40 CFR §2.208 (a)-(d). Emission data, as defined at 40 CFR §2.301(a)(2), is expressly not entitled to confidential treatment under 40 CFR Part 2, subpart B. See 42 U.S.C. §7414(c); 40 CFR § 2.301(e).

Information covered by a claim of business confidentiality will be disclosed by EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Act and 40 CFR Part 2, subpart B. EPA will construe your failure to furnish a business confidentiality claim with your response to this information request as a waiver of that claim, and the information may be made available to the public without further notice to you.

To assert a business confidentiality claim, you must place on (or attach to) all information you desire to assert as business confidential either a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as trade secret, proprietary, or company confidential at the time you submit your response to this information request. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and may be submitted separately to facilitate identification and handling by EPA. You should indicate if you desire confidential treatment only until a certain date or until the occurrence of a certain event.

In addition, EPA is providing you notice that if you assert a claim of business confidentiality for information you provide in response to this information request, EPA will determine whether such information is entitled to confidential treatment, pursuant to 40 CFR Part 2, subpart B. Accordingly, after EPA's receipt of your business confidentiality claim, you will receive a letter inviting your comments on the following questions:

1. What specific portions of the information are alleged to be entitled to confidential treatment? Specify by page, paragraph, and sentence when identifying the information subject to your claim.



2. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, specify that event. Additionally, explain why the information should be protected for the time period you've specified.
3. What measures have you taken to protect the information claimed as confidential from undesired disclosure? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity whether disclosure of the information is likely to result in substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
7. Is there any other explanation you deem relevant to EPA's determination of your business confidentiality claim that is not covered in the preceding questions? If so, you may provide such additional explanation.

See 40 CFR §2.204(e)(4). When you receive such a letter, you must provide EPA with a written response within the number of days set forth in the letter. EPA will construe your failure to furnish timely comments as a waiver of your confidentiality claim, consistent with 40 CFR §2.204(e)(1).



**ENCLOSURE D**

This is to be signed and dated by a duly authorized official of Tampa Electric Company, Polk Power Station.

**STATEMENT OF CERTIFICATION**

I hereby certify that the foregoing responses and information provided to EPA in response to its Clean Air Act, Section 114, Information Request were prepared under my direction or supervision and that I have personal knowledge of all matters set forth in the responses and the accompanying information or that I consulted with individuals having personal knowledge (note, please identify such individuals). I certify that the responses are true, accurate, and complete to the best of my knowledge.

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Signature and Date

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Title





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

FEB 05 2013

**UNITED PARCEL SERVICE**  
**EMAIL VERIFICATION REQUESTED**

Mr. Tom Wunderlich  
Plant Manager  
Guardian Industries Corporation - Glass  
610 L&C Distribution Park  
Richburg, South Carolina 29729

*Not, Initiative (Bless)*

*PSD*

*45-023-00018*

Dear Mr. Wunderlich:

The purpose of this letter is to request information as part of a U.S. Environmental Protection Agency investigation to determine the compliance status of the Guardian Industries Corporation (Guardian) plant located in Richburg, South Carolina with the Clean Air Act (CAA). Section 114(a) of the CAA, 42 U.S.C. § 7414(a), authorizes the Administrator of the EPA to require any person who owns or operates an emission source, whom the Administrator believes may have information necessary for the purposes of Section 114(a), or who is subject to any requirement of the CAA, to provide such information as the Administrator may reasonably require for the purpose of carrying out any provision of the CAA. This authority has been duly delegated to the Director of the Air, Pesticides, and Toxics Management Division, Region 4.

Therefore, pursuant to Section 114(a) of the CAA, Guardian is directed to respond to the enclosed Information Request **within 30 (thirty) days** of your receipt of this letter (Enclosure B). Instructions are provided in Enclosure A to assist you in responding to this Information Request as completely as possible. The responses must be delivered to the EPA or postmarked no later than the above deadline. Send one complete copy of your responses, including supporting documentation, to the following address:

Ms. Shanieka Pennamon  
Air and EPCRA Enforcement Branch  
North Air Enforcement Section  
U.S. EPA, Region 4  
Atlanta Federal Center  
61 Forsyth Street, SW  
Atlanta, Georgia 30303

All information submitted pursuant to this information request must be accompanied by the Statement of Certification attached in Enclosure C. A responsible official with sufficient knowledge and authority must certify that all information submitted in response to this request is true, accurate, and complete.

Failure to fully respond or provide the information required may result in the issuance of an Order requiring compliance with the requirements contained herein or the initiation of an enforcement action





pursuant to Section 113 of the CAA, 42 U.S.C. § 7413. This may include civil and/or administrative penalties of up to \$37,500 per day of noncompliance, pursuant to Sections 113(b) and (d) of the CAA, 42 U.S.C. § 7413(b) and (d).

You are entitled to assert a claim of business confidentiality covering all or part of any required information in the manner described at 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth at 40 C.F.R. Part 2, Subpart B. Unless a confidentiality claim is asserted at the time the required information is provided, the EPA may make this information available to the public without further notice to you. Notwithstanding the above, the information you provide may be used by the EPA in administrative, civil, and criminal proceedings.

This request is exempt from the requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501 et seq., because it seeks the collection of information by an agency from specific individuals or entities as part of an administrative action or investigation.

The EPA recognizes that this request for information is lengthy and would be pleased to work with you and hear any suggestions you may have regarding how to provide the EPA with the information it needs to fully evaluate these issues with minimal disruption of your normal activities. If you have any questions relating to this Information Request, you may consult with the EPA prior to the time specified above. Questions should be directed to Ms. Shanieka Pennamon at (404) 562-9213.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in cursive script, reading "Carol G. Kemper for".

Beverly H. Banister  
Director  
Air, Pesticides, and Toxics  
Management Division

Enclosures

cc: Randy Stewart, SCDHEC



## **ENCLOSURE A**

### **INSTRUCTIONS**

1. Please provide a separate narrative response to each question and subpart of a question set forth in this Information Request and precede each answer with the number of the question to which it corresponds.
2. For each question, identify each person responding to any question contained in this Information Request on your behalf, as well as each person consulted in the preparation of a response.
3. For each question, identify each document consulted, examined, or referred to in the preparation of the response or that contains information responsive to the question, and provide a true and correct copy of each such document if not provided in response to another specific question. Indicate on each document produced in response to this Information Request the number of the question to which it corresponds.
4. If requested information or documents are not known or are not available to you at the time of your response to this Information Request, but later become known or available to you, you must supplement your response to EPA. Moreover, should you find at any time after submission of your response that any portion is or becomes false, incomplete, or misrepresents the facts; you must provide EPA with a corrected response as soon as possible.
5. Requested information can be submitted in electronic form if applicable.

### **DEFINITIONS**

1. "Document" means written documentation of any kind, including documentation solely in electronic form. It includes any document in the possession or control of Guardian or the possession or control of any person or entity hired by Guardian. A copy of a document rather than the original may be provided.
2. The terms "person" or "persons" shall have the meaning set forth in Section 302(e) of the Act, 42 U.S.C. § 7602(e), and include an individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency, department, or instrumentality of the United States and any officer, agent or employee thereof.
3. The terms "relate to" or "pertain to" (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.



4. The terms "you" or "your", as used in each of the questions set forth in the attached Section 114 letter, refer to, and shall mean, the company or corporation with which each addressee of the attached Section 114 letter is affiliated, including its subsidiaries, divisions, affiliates, predecessors, successors, assigns, and its former and present officers, directors, agents, employees, representatives, attorneys, consultants, accountants and all other persons acting on its behalf.



## **ENCLOSURE B**

### **REQUEST FOR INFORMATION**

1. Provide the date construction was commenced at the Richburg facility and the date the facility commenced operation.
2. Provide a list of each glass melting furnace currently operating at the Facility. In addition, provide a list of each glass melting furnace at the Facility that has operated since 1990 but has since ceased operation.
3. For each furnace identified in Question 2, provide the following information:
  - a. date furnace commenced initial construction;
  - b. date furnace began initial operation;
  - c. maximum achievable glass pull rate in tons/hr (for each year since 1990);
  - d. type of furnace (e.g., regenerative, oxyfuel, electric, etc);
  - e. date the furnace ceased operation, if applicable; and
  - f. date the furnace re-started operation, if applicable.
4. For each rebuild/re-bricking conducted on a glass furnace identified in Question 2 since 1990, provide all documents related to the following:
  - a. the date(s) and type (i.e. major vs. minor) of each rebuild/re-bricking;
  - b. the capital expenditure for each rebuild/re-bricking;
  - c. the scope of work for each rebuild/re-bricking; and
  - d. engineering justifications, capital acquisition requests/authorizations.
5. For each furnace identified in response to Question 2, provide the following information as it existed in 1990, and after *each* rebuild/re-bricking identified in Question 4:
  - a. physical size of the furnace (length x width x depth);
  - b. maximum design rated capacity of the furnace (tons/day);
  - c. maximum capacity of the furnace (tons/day), taking into account any physical or operational constraints and restrictions;
  - d. the maximum heat input capacity from electric boost in kilo-volt-ampere (kVa);
  - e. the maximum rated heat capacity of the furnace in MMBtu/hr;<sup>1</sup>
  - f. maximum pull achieved on the furnace for each campaign (tons/day); and
  - g. the average monthly tons of glass produced during the furnace campaign.
6. Provide a list of each capital project conducted at the Facility since 1990 that totaled greater than \$100,000. For each project on the list include:

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<sup>1</sup> Indicate if the rating includes or excludes the forehearth and/or refiner.





- a. a detailed description of the project including engineering justifications and capital expenditure authorizations;
  - b. the amount of dollars actually spent on the project;
  - c. the dates the work was actually conducted (e.g., June 8-August 10, 1997);
  - d. all analyses done to demonstrate any potential or actual increase or decrease in emissions of any air pollutant;
  - e. copies of all PSD/NSR applicability analyses.
7. Provide the following information for the Richburg facility for *each* furnace:
  - a. Actual annual production of glass in tons per year per furnace from the date the facility commenced operation to the present (include a description of how the pull rate is calculated at the facility); and
  - b. Actual annual emissions reported to the state from the date the facility commenced operation to the present. Provide the method for the annual emission calculations, including the basis of any emission factors used, and a copy of the report. This should include all pollutants reported to the state.
8. Identify and describe each piece of air emission control equipment and/or each air pollution reduction practice currently used or ever used at the facility. In addition, provide the date of installation of the control equipment or implementation of the practice, the date of initial operation, and the dates of shutdown or decommissioning, if applicable. Describe in detail how each existing and former air emission control equipment or reduction practice limits air emissions from each source, and how effectively (in terms of removal efficiency, capture efficiency, distribution efficiency, etc.) each air emission is limited by the corresponding equipment or practice. Please provide data to support the answers.
9. If any furnace listed in response to Question 2 has been altered other than during a re-bricking such that there was any change in the response to any answers provided in response to Question 5a-g, then provide the date for each change, a description of the change (qualitatively and quantitatively), and the effect the change had on each of the furnace capacity measurements. For example, if the amount of electric boost in kVa on the furnace was modified, describe what it was before the change and after (including actual kVa ratings) and then describe how that change affected the maximum pull rate of the furnace, capacity of the furnace, holding capacity, etc..
10. For each furnace listed in the response to Question 2, provide a copy of any and all emissions testing (including test dates) that occurred which measured emissions of nitrogen oxides, sulfur oxides, or particulate matter, including filterable and condensable particulate, sulfuric acid, and carbon monoxide that occurred since January 1990. Emission testing includes, but is not limited to, compliance testing, engineering testing, and testing for general information. Also provide a copy of any report that resulted from the emission tests which meet the above criteria. Indicate whether such report was shared with the state permitting agency. A copy of the



summary pages from each report is sufficient so long as the summary provides emission rates as well as all the operating parameters recorded during the tests including, but not limited to, the electric boost usage (kVa), fuel usage (MMBtu/hr), glass pull rate (tons/hr), raw materials type and feed rate (lb/hr), percent sulfur in raw material mix, color of glass, bridgewall temperature (degrees Fahrenheit), oxygen flow rate in dry standard cubic feet per minute (dscf/min), purity of oxygen, air flow rate (dscf/min), air/fuel ratio, and percent cullet usage.

11. Provide copies of all applications for Prevention of Significant Deterioration (PSD) permits and all PSD permits obtained for the furnaces identified above since January 1990. If PSD permit applicability was never submitted for a furnace, provide the company's, state's or any other party's non-applicability determination/analysis for PSD.



## **ENCLOSURE C**

### **STATEMENT OF CERTIFICATION**

Guardian Industries Corporation is submitting the enclosed documents in response to EPA's Section 114 request for information to determine whether Guardian Industries Corporation is in compliance with the Clean Air Act, including New Source Review (NSR).

I am a responsible officer of \_\_\_\_\_.

I certify that I have personally examined and am familiar with, the statements and information submitted in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true, correct, accurate, and complete.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Title \_\_\_\_\_





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

UNITED PARCEL SERVICE

FEB 11 2013

Mr. Ignacio Garin  
Manager Sulfur Derivatives  
Akzo Nobel Functional Chemicals - Sulfuric Acid  
525 West Van Buren Street  
Chicago, Illinois 60607

PSD  
National Inhibitor (and Sulfuric Acid)

Sulfuric acid

01-097-05009

Dear Mr. Garin:

The purpose of this letter is to request information as part of a U.S. Environmental Protection Agency investigation to determine the compliance status of the Akzo Nobel Functional Chemicals LLC (Akzo Nobel) facility located in Axis, Alabama, with the Clean Air Act (CAA). Section 114 of the CAA, 42 U.S.C. § 7414, authorizes the Administrator of the EPA to require any person who owns or operates any emission source to provide information that the EPA may reasonably require to determine compliance with the CAA and its regulations. This authority has been duly delegated to the Director of the Air, Pesticides, and Toxics Management Division, Region 4. Akzo Nobel is hereby directed to respond to the Information Request enclosed (see Enclosure A), within forty-five (45) calendar days of receipt of this letter. Instructions to aid in preparing the response are in Enclosure B.

Please be advised that compliance with this request for information is mandatory. Failure to respond fully and truthfully to each question or information request within forty-five (45) calendar days of the receipt of this letter, or to adequately justify such failure to respond, may result in an enforcement action being filed against Akzo Nobel pursuant to Section 113 of the CAA, 42 U.S.C. § 7413. The CAA permits EPA to seek the imposition of penalties of up to thirty-seven thousand five hundred dollars (\$37,500) per day of continued non-compliance with this request. Please be further advised that submittal of false, fictitious, or fraudulent statements or representations may subject Akzo Nobel or its representatives to criminal penalties under Section 113(c) of the CAA, 42 U.S.C. § 7413.

Akzo Nobel may be entitled to assert a claim of business confidentiality covering all or part of any required information, except emission data, in the manner described at 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth at 40 C.F.R. Part 2, Subpart B. Unless a confidentiality claim is asserted at the time the required information is provided, EPA may make this information available to the public without further notice to you. Notwithstanding the above, the information you provide may be used by EPA in administrative, civil, and criminal proceedings. See Enclosure C for confidential business information assertion and substantiation requirements. If there is a claim of confidential business information, you will receive a letter from the EPA inviting your comments on seven questions so that the EPA can determine whether such information is entitled to confidential treatment.





Please submit all requested information under an authorized signature. An individual with sufficient knowledge and authority must certify on behalf of Akzo Nobel that all information that Akzo Nobel submits in response to this request is true, correct, accurate and complete. See Enclosure D.

Please mail your response within forty-five (45) calendar days of your receipt of this letter to:

US EPA, Region 4  
Air, Pesticides, and Toxics  
Management Division  
61 Forsyth St, SW  
Atlanta, GA 30303  
ATTN: Nikki Radford (AEEB)

This Information Request is not subject to the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501 et seq.

If you have any questions relating to this Information Request, please contact EPA prior to the due date specified in this letter. Please direct your questions to Nikki Radford at (404) 562-9099.

Sincerely,



Beverly H. Banister  
Director  
Air, Pesticides and Toxics  
Management Division

Enclosures (4)

cc: Ron Gore, Chief, Air Division, Alabama Department of Environmental Management



## **ENCLOSURE A**

### **REQUEST FOR INFORMATION**

**Akzo Nobel Functional Chemicals LLC (Akzo Nobel) shall submit the following information about its sulfuric acid manufacturing operations at the facility located at 13440 Hwy 43 North, Axis, Alabama 36505:**

- 1) A summary of the results of all emission test runs, emissions characterizations, or emissions studies, conducted or attempted at the sulfuric acid plant since June 1, 2011, (it is not necessary to provide the full emission test report). Include with this information relevant operating parameters measured during these tests/studies, such as 100% sulfuric acid production rate and stack gas flow rates.**
- 2) The production of sulfuric acid (100% basis) from the sulfuric acid plant each month since June 2011 in tons. Please provide this information in an electronic format that may be edited by a spreadsheet program such as Microsoft Excel.**
- 3) The emissions of sulfur dioxide (SO<sub>2</sub>) from the sulfuric acid plant each month since June 2011 in tons. Please provide this information in an electronic format that may be edited by a spreadsheet program such as Microsoft Excel.**
- 4) The hours of operation of the sulfuric acid plant each month since June 2011. Please provide this information in an electronic format that may be edited by a spreadsheet program such as Microsoft Excel.**
- 5) Provide the current maximum 100% acid production rate of the acid plant achievable in practice, in tons per day. Provide the average 100% acid production rate of the sulfuric acid plant over the 12 months (in this average only include operating days with 24 hours of operation).**
- 6) For the sulfuric acid plant provide the hourly measurement of each parameter monitored by the Continuous Emissions Monitoring System (CEMS) each day since June 1, 2011. Please provide this information in an electronic format that may be edited by a spreadsheet program such as Microsoft Excel or comparable software.**
- 7) Provide an explanation for the decrease in production at the sulfuric acid plant in 2001 and 2002. Detail any maintenance projects or work required to increase production to the levels achieved in 2003.**
- 8) Provide a copy of the turnaround report (completion report) for the June 2003 turnaround at the sulfuric acid facility.**
- 9) Provide any presentations on annual production and objectives, including annual operating plan review presentations for the sulfuric acid plant for 2011 and 2012.**



- 10) Provide all permit application materials, including any related correspondence to the Alabama Department of Environmental Management, for each air construction permit issued to construct or modify any sulfuric acid plant currently in operation at the facility since June 1, 2011.
- 11) If any of the following information about the converter of the sulfuric acid plant has changed since the 114 Information Response dated July 11, 2011, please provide:
  - a) the diameter;
  - b) the volume (liters) of catalyst in each catalyst bed;
  - c) the type of catalyst (including trade name) in each catalyst bed; and
  - d) the maximum volumetric capacity (liters) of catalyst.
- 12) Provide copies of all documents, reports, or studies in possession of Akzo Nobel generated between June 1, 2011, and the present that discuss plans to replace, modify, or upgrade equipment at each sulfuric acid plant that cost, or had the potential to cost, more than \$25,000.
- 13) Provide copies of all documents or reports in possession of Akzo Nobel including, but not limited to, all supplemental or supporting documents including engineering analyses, feasibility studies, designs, and drawings, spreadsheets, electronic files, handwritten calculations, and conversion factors and values, or other documentation generated between June 1, 2011, and the present concerning or relating to Prevention of Significant Deterioration (PSD), New Source Performance Standards (NSPS), Best Available Control Technology (BACT) for sulfuric acid plants, BART for sulfuric acid plants, achievable stack emission rates, sulfuric acid converter performance, cesium promoted catalyst, and sulfuric acid plant pollution control technology.
- 14) For each sulfuric acid plant regarded as an existing facility for the purposes of NSPS (i.e., not subject to the emission standards in 40 C.F.R. Part 60 Subpart H), provide the following information:
  - a) A list of all capital projects greater than \$25,000 commenced at the acid plant since June 1, 2011, until the present. This list should contain the approximate dates of each project, a brief description of each project, a breakdown of expenses, vendor information, and the fixed capital cost of each project in nominal dollars;
  - b) Copies of the capital appropriations requests justifying any expenditure for a capital project commenced since June 1, 2011, costing over \$25,000;



- c) **Copies of the capital appropriations requests justifying any expenditure for a capital project approved but not yet commenced since June 1, 2011, costing over \$25,000; and**
- d) **A list of all turnarounds at the acid plant since June 1, 2011. Please include the date each turnaround commenced, the date the plant was restarted, and a brief description of work performed during each turnaround.**
- e) **A description of any turnarounds planned in 2013. Please include the projected start and finish date for the turnaround, and a description of the work scheduled to be performed during the turnaround.**





- 3) The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by U.S. EPA, with all necessary documentation and support. All documents in hard copy should also include attachments to or enclosures with any document.
- 4) The term "modification" or "modify" means any physical or operational change.
- 5) The term "capital appropriation request" shall mean the document used by plant personnel in seeking management approval for planned capital expenditures at the facility. These documents are also known as authorizations for expenditure, capital requests or other, similar names.
- 6) The terms "person" or "persons" shall have the meaning set forth in Section 302(e) of the CAA, 42 U.S.C. § 7602(e), and include an individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency, department, or instrumentality of the United States and any officer, agent or employee thereof.
- 7) The terms "relate to" or "pertain to" (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.
- 8) The term "air construction permit" shall mean any permit to construct, install, or modify any source of air pollution issued under rules or regulations promulgated under the CAA.
- 9) The term "replacement" or "upgrade" shall mean the replacement of depreciable equipment.
- 10) The term "source" means "major source" as defined in Section 501 of the CAA, 42 U.S.C. § 7661.
- 11) The term "tons" means short tons or 2,000 pounds.
- 12) "Nominal Dollars" means dollars unadjusted for inflation.



## **ENCLOSURE C**

### **CONFIDENTIAL BUSINESS INFORMATION (CBI) ASSERTION AND SUBSTANTIATION REQUIREMENTS**

You may assert a business confidentiality claim covering all or part of the information you provide in response to this information request for any business information entitled to confidential treatment under Section 114(c) of the Clean Air Act (the Act), 42 U.S.C. §7414, and 40 CFR Part 2, subpart B. Under Section 114(c) of the Act, you are entitled to confidential treatment of information that would divulge methods or processes entitled to protection as trade secrets. Under 40 CFR Part 2, subpart B, business confidentiality means the concept of trade secrecy and other related legal concepts which give (or may give) a business the right to preserve the confidentiality of business information and to limit its use or disclosure by others in order that the business may obtain or retain business advantages it derives from its rights in the information. See 40 CFR §2.201(e).

The criteria EPA will use in determining whether material you claim as business confidential is entitled to confidential treatment are set forth at 40 CFR §2.208 and 2.301. These regulations provide, among other things, that you must satisfactorily show that: (1) the information is within the scope of business confidentiality as defined at 40 CFR §2.201(e), (2) that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, (3) the information is not and has not been reasonably obtainable by legitimate means without your consent, and (4) the disclosure of the information is likely to cause substantial harm to your business' competitive edge. See 40 CFR §2.208 (a)-(d). Emission data, as defined at 40 CFR §2.301(a)(2), is expressly not entitled to confidential treatment under 40 CFR Part 2, subpart B. See 42 U.S.C. §7414(c); 40 CFR § 2.301(e).

Information covered by a claim of business confidentiality will be disclosed by EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Act and 40 CFR Part 2, subpart B. EPA will construe your failure to furnish a business confidentiality claim with your response to this information request as a waiver of that claim, and the information may be made available to the public without further notice to you.

To assert a business confidentiality claim, you must place on (or attach to) all information you desire to assert as business confidential either a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as trade secret, proprietary, or company confidential at the time you submit your response to this information request. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and may be submitted separately to facilitate identification and handling by EPA. You should indicate if you desire confidential treatment only until a certain date or until the occurrence of a certain event.

In addition, EPA is providing you notice that if you assert a claim of business confidentiality for information you provide in response to this information request, EPA will determine whether such information is entitled to confidential treatment, pursuant to 40 CFR Part 2, subpart B. Accordingly, after EPA's receipt of your business confidentiality claim, you will receive a letter inviting your comments on the following questions:



1. What specific portions of the information are alleged to be entitled to confidential treatment? Specify by page, paragraph, and sentence when identifying the information subject to your claim.
2. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, specify that event. Additionally, explain why the information should be protected for the time period you've specified.
3. What measures have you taken to protect the information claimed as confidential from undesired disclosure? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity whether disclosure of the information is likely to result in substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
7. Is there any other explanation you deem relevant to EPA's determination of your business confidentiality claim that is not covered in the preceding questions? If so, you may provide such additional explanation.

See 40 CFR §2.204(e)(4). When you receive such a letter, you must provide EPA with a written response within the number of days set forth in the letter. EPA will construe your failure to furnish timely comments as a waiver of your confidentiality claim, consistent with 40 CFR §2.204(e)(1).



**ENCLOSURE D**

**STATEMENT OF CERTIFICATION**

Akzo Nobel Functional Chemicals LLC is submitting the enclosed documents in response to the United States Environmental Protection Agency's Clean Air Action Section 114 information request to determine whether the sulfuric acid plant is in compliance with the Clean Air Act, including, but not limited to, New Source Performance Standards (NSPS) and New Source Review (NSR).

I am a responsible officer of \_\_\_\_\_.

I certify that I have personally examined and am familiar with, the statements and information submitted in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true, correct, accurate, and complete.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Title \_\_\_\_\_







UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

**UNITED PARCEL SERVICE**  
**EMAIL VERIFICATION REQUESTED**

**FEB 21 2013**

Mr. Garrie Kane  
Environmental Manager  
Jacobson Companies  
3060 South Park Boulevard  
Ellenwood, Georgia 30294

Dear Mr. Kane:

The purpose of this letter is to request information as part of a U.S. Environmental Protection Agency investigation to determine the compliance status of the Jacobson Companies' (Jacobson) facility located in Ellenwood, Clayton County, Georgia, with the Clean Air Act (CAA), 42 U.S.C. § 7401, *et seq.*

Section 114(a) of the CAA, 42 U.S.C. § 7414(a), authorizes the Administrator of the EPA to require any person who owns or operates an emission source, whom the Administrator believes may have information necessary for the purposes of Section 114(a), or who is subject to any requirement of the CAA, to provide such information as the Administrator may reasonably require for the purpose of carrying out any provision of the CAA. This authority has been duly delegated to the Director of the Air, Pesticides, and Toxics Management Division, Region 4.

Therefore, pursuant to Section 114(a) of the CAA, Jacobson is directed to respond to the enclosed Information Request **within 30 (thirty) days** of your receipt of this letter (Enclosure A). Instructions and definitions are also provided in Enclosure A to assist you in responding to this Information Request as completely as possible. The response must be delivered to the EPA or postmarked no later than the above deadline. Send one complete copy of your response, including supporting documentation, to the following address:

Ms. Lornette Harvey  
Air and EPCRA Enforcement Branch  
South Air Enforcement Section  
U.S. EPA, Region 4  
Atlanta Federal Center  
61 Forsyth Street, SW  
Atlanta, Georgia 30303

All information submitted pursuant to this Information Request must be accompanied by the Statement of Certification which is provided in Enclosure B. A responsible official with sufficient knowledge and authority must certify that all information submitted in response to this request is true, accurate, and complete.



Failure to fully respond or provide the information required may result in the issuance of an Order requiring compliance with the requirements contained herein or the initiation of an enforcement action pursuant to Section 113 of the CAA, 42 U.S.C. § 7413. This may include civil and/or administrative penalties of up to \$37,500 per day of noncompliance, pursuant to Sections 113(b) and (d) of the CAA, 42 U.S.C. § 7413(b) and (d).

You are entitled to assert a claim of business confidentiality covering all or part of any required information, in the manner described at 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth at 40 C.F.R. Part 2, Subpart B. Unless a confidentiality claim is asserted at the time the required information is provided, the EPA may make the information available to the public without further notice to you. See Enclosure C for confidential business information assertion and substantiation requirements. If there is a claim of business confidential information, you will receive a letter from the EPA inviting your comments on seven questions so that the EPA can determine whether such information is entitled to confidential treatment.

This request is exempt from the requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501 *et seq.*, because it seeks the collection of information by an agency from specific individuals or entities as part of an administrative action or investigation.

The EPA recognizes that this request for information is lengthy and would be pleased to work with you and hear any suggestions you may have regarding how to provide the EPA with the information it needs to fully evaluate these issues with minimal disruption of your normal activities. If you have any questions relating to this Information Request, you may consult with the EPA prior to the time specified above. Questions should be directed to Ms. Lornette Harvey at (404) 562-8386 or by electronic mail at harvey.lornette@epa.gov.

Thank you for your cooperation in this matter.

Sincerely,



Beverly H. Banister  
Director  
Air, Pesticides, and Toxics  
Management Division

Enclosures:

cc: Karen Hays (w/enclosures), GA EPD



## **ENCLOSURE A INFORMATION REQUEST**

### **A. INSTRUCTIONS**

1. Please provide a separate narrative response to each question and subpart of a question set forth in this Information Request and precede each answer with the number of the question to which it corresponds.
2. If requested information or documents are not known or are not available to you at the time of your response to this Information Request, but later known or available to you, you must supplement your response to EPA. Moreover, should you find at any time after submission of your response that any portion is or becomes false, incomplete, or misrepresents the facts, you must provide EPA with a corrected response as soon as possible.
3. Requested information can be submitted in electronic form if applicable.
4. Where specific information has not been memorialized in a document, but is nonetheless responsive to a Request, you must respond to the Request with a written response.

### **B. DEFINITIONS**

1. "Act" means the Clean Air Act, as amended, 42 U.S.C. § 7401, *et seq.*
2. "Document" means written documentation of any kind, including documentation solely in electronic form. It includes any document in the possession or control of Jacobson Companies (Jacobson), or the possession or control of any person or entity hired by Jacobson. A copy of a document rather than the original may be provided.
3. The term "person" or "persons", shall have the meaning set forth in Section 302(e) of the Act, 42 U.S.C. § 7602(e), and includes an individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency, department, or instrumentality of the United States and any officer, agent or employee thereof.
4. The terms "relate to" or "pertain to" (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.
5. "Jacobson" means the Jacobson Companies and its facility located at 3060 South Park Boulevard, Ellenwood, Georgia, 30294.



6. "Facility" means the entire manufacturing facility (including all physical structures) located at 3060 South Park Boulevard, Ellenwood, Georgia, 30294.
7. "Affected source" means the facility-wide collection of pesticide active ingredient manufacturing process units (PAI process units) that process, use, or produce HAP, and are located at a plant site that is a major source, as defined in section 112(a) of the CAA. An affected source also includes waste management units, heat exchange systems, cooling towers that are associated with the PAI process units. Exemptions from an affected source are specified in paragraph (d) of this section.
8. "Criteria pollutants" means Particulate Matter (PM), Carbon Monoxide (CO), Nitrogen Oxides (NO<sub>x</sub>), Sulfur Dioxide (SO<sub>2</sub>), and Lead (Pb).
9. "Air pollution control device or control device" means equipment installed on a process vent, storage vessel, wastewater treatment exhaust stack, or combination thereof that reduces the mass of HAP emitted to the air. The equipment may consist of an individual device or a series of devices. Examples include incinerators, carbon adsorption units, condensers, flares, boilers, process heaters, and gas absorbers. Process condensers are not considered air pollution control devices or control devices.
10. "Cleaning operation" means routine rinsing, washing, or boil-off of equipment in batch operations between batches.
11. "Construction" means the on-site fabrication, erection, installation of an affected source or PAI process unit. Addition of new equipment to an existing PAI process unit does not constitute construction.
12. "Emission unit" means any part or activity of a stationary source that emits or has the potential to emit any regulated air pollutant or any pollutant listed under Section 112(b) of the Act. This term is not meant to alter or affect the definition of the term "unit" for purposes of title IV of the Act.
13. "Facility" means the entire manufacturing facility (including all physical structures and processes operated by subcontractors) located at 3060 South Park Boulevard, Ellenwood, Georgia, 30294.
14. "FIFRA" means the Federal Insecticide, Fungicide, and Rodenticide Act.
15. "HAPs" means hazardous air pollutants, any air pollutant listed in or pursuant to Section 112(b) of the Act.
16. "Intermediate" means an organic compound that is produced by chemical reaction and that is further processed or modified in one or more additional chemical reaction steps to produce another intermediate or a PAI.





17. "Potential to Emit" means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or quantity of material combusted, stored, or processed, shall be treated as part of its design if the limitation is enforceable by the Administrator. This term does not alter or affect the use of this term for any other purposes under the Act, or the term "capacity factor" as used in title IV of the Act or the regulations promulgated thereunder.
18. "Reconstruction", unless otherwise defined in a relevant standard, means the replacement of compounds of an affected or a previously nonaffected source to such an extent that: (1) The fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable new source; and (2) It is technologically and economically feasible for the reconstruction source to meet the relevant standard(s) established by the Administrator (or a State) pursuant to section 112 of the Act. Upon reconstruction, an affected source, or a stationary source that becomes an affected source, is subject to relevant standards for new sources, including compliance dates, irrespective of any change in emissions of hazardous air pollutants from that source.
19. "VOC" means volatile organic compounds, any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions.
20. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in the Clean Air Act or 40 C.F.R. in which case the statutory or regulatory definitions shall apply.

### **C. INFORMATION REQUEST**

1. Provide the date (month, day, year) the facility was constructed and/or reconstructed, and the date (month, day, year) manufacturing processes began at the facility. If the processes were transferred from another facility, please provide the address (street address, street name, any suite numbers, city, county, and state) where the processes were transferred from and the date (month, day, year) of the transfer. Please provide documentation, such as copies of construction contracts and invoices, to validate the information provided.
2. Provide a list of all applicable North American Industry Classification System (NAICS) codes and Standard Industrial Classification (SIC) codes for processes conducted at the facility.
3. Provide copies of any air emission operating permits or construction permits issued by State of Georgia (i.e., Title V or Synthetic Minor Source Operating permits), including any reports required to demonstrate compliance with the permits, since the startup of operations at the facility. Also, provide any applications submitted to the State of Georgia applying for any type of air permit.



4. Provide copies of all records of applicability determination for Jacobson's pesticide, pesticide active ingredient (PAI), or organic chemical processes conducted at the facility (including calculations used to determine the applicability, even if a determination has been made that the processes are not applicable to any air emission regulations, with supporting documentation for the determination made).
5. Provide a site map identifying the facility's property boundaries with structures and buildings onsite outlined on the map.
6. Provide the current number of employees, hours of operation, and number of shifts that are operated at the facility.
7. Provide a list of all pesticide, PAI, and intermediate products manufactured at the facility since startup of operations and include any documentation filed with EPA (such as Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) forms required for identifying the production of pesticide products).
8. Provide a process description for each product manufactured at the facility. Include in the description the following information for the previous five years to present:
  - a) The startup date (month, day, year) for each step of the process;
  - b) A detailed description of each step in the process (indicate whether the step in the process is continuous or batch);
  - c) The quantity of pesticide, PAIs, and intermediates manufactured, in tons per year;
  - d) If the product is identified on EPA form 3540-16, the Pesticides Report for Pesticide-Producing Establishments, list what classification codes were used on the form (include a copy of the latest form filed with EPA);
  - e) A process flow diagram that clearly identifies each step in the process including: all pieces of equipment used in the production processes; any air pollutant emission units associated with the process; and any air pollution control devices used in the process;
  - f) The quantity of raw materials, in tons per year, used in the manufacturing processes including the type, size and quantity of containers the raw material is delivered in and how the raw material is stored at the facility;
  - g) The quantity of raw materials, in tons per year, used in the packaging processes at the facility-including the type, size and quantity of containers the raw material is delivered in to Jacobson and how the material is stored prior to using in a process;
  - h) Copies of Material Safety Data Sheets (MSDSs), Safety Data Sheets (SDSs), technical specification sheets, and/or vendor formulation data sheets for each raw material used in the processes;
  - i) A copy of the monthly log sheets or production log sheets that indicate both the quantity of product manufactured and the quantity of raw materials used in the processes; and
  - j) A copy of all purchase orders and/or invoices for all raw materials used in the processes listed and product shipped to the customers.



9. Provide copies of actual air emission rates for the entire facility for the previous five years to present which includes:
  - a) The annual emission rate, in tons per year, for the criteria pollutants (Particulate Matter (PM), Carbon Monoxide (CO), Nitrogen Oxides (NO<sub>x</sub>), Sulfur Dioxide (SO<sub>2</sub>), and Lead (Pb)) including the calculations used to determine the quantity;
  - b) Consecutive 12-month total of VOC emissions including the calculations used to determine the quantity;
  - c) Consecutive 12-month total of total HAP emissions including the calculations used to determine the quantity; and
  - d) Consecutive 12-month total of individual HAP emissions including the calculations used to determine the quantity.
10. Provide the potential to emit (PTE) air emission rate, in tons per year, for HAPs, VOCs, and criteria pollutants, including the calculations used to determine the amount for the facility since start of operation. The PTE provided should include: for initial start up of operation, for any process changes that occurred since start up of operation, and the current PTE. Include all documentation used to calculate the amount.
11. Provide a list of all the air pollutant emission units located in the process areas for the production of pesticide, PAI, intermediate and organic materials manufactured at the facility. Include on the list, the following information:
  - a) A list of air pollutants (i.e., HAPs, VOCs, and criteria pollutants) that are being emitted from the air pollutant emission unit (include documentation, such as analytical results or process knowledge, validating the information); and
  - b) A description of the finish product manufactured from the associated processes (including the quantity each month).
12. For all tanks or vessels used in the manufacturing processes of pesticide, PAI, intermediate and organic materials produced, provide the following information:
  - a) The construction or reconstruction date (month, day, year) of the storage and process tank or vessel (include a copy of the construction invoices);
  - b) The date (month, day, year) the storage and process tank or vessel was put in operation;
  - c) State whether the tank or vessel is used for storage, process, or both;
  - d) The capacity and size of the storage and process tank or vessel;
  - e) A copy of the specification drawing for each tank or vessel;
  - f) A copy of the tank or vessel storage monthly inventory list (for the previous five years to present);
  - g) The total number of hours the tank or vessel is used each month;
  - h) A description of processes the storage or process tank or vessel is primarily used for;
  - i) A list of air pollution control devices, if any, used with the storage or process tank or vessel; and



- j) The current status of the tank or vessel (i.e., still in use, abandoned, modified, and/or destruction date). Provide any documentation as proof of status.
13. For all the heating devices (such as heaters, ovens, furnaces, kilns, and other drying and heating devices) used in the production processes of pesticide, PAI, intermediate or organic material at the facility, provide the following information:
- a) A description of the drying/heating device;
  - b) A copy of the engineering specifications;
  - c) The installation date (month, day, year) including copies of invoices;
  - d) Any reconstruction dates (month, day, year) (including copies of invoices;
  - e) Hours of operation (including copies of logs maintained for the heating device for the previous 5 years to present);
  - f) Copies of monitoring records (i.e., temperature readings, gas flow records, and pressure measurement records for the previous five years to present);
  - g) The type and quantity of fuel used in the heating devices, including the British Thermal Unit (BTU) of the fuel; and
  - h) Copies of all maintenance and repair records maintained for the device (for the previous five years to present).
14. For all steam generating units (hot water generators/boilers), provide the following information:
- a) The date (month, day, year) the unit was constructed and/or installed;
  - b) Each date (month, day, year) the unit was reconstructed;
  - c) The annual operating schedule for each unit (including copies of operating records maintained for the previous five years to present);
  - d) The maximum design heat input capacity for each unit (include a copy of the unit's engineering specification and engine certification);
  - e) Monitoring records maintained for each unit for the previous five years to present;
  - f) The type of fuels used in the units (including copies of fuel usage records maintained for the previous five years to present);
  - g) Copies of the initial air emission performance tests and any performance test performed within the last five years for each unit; and
  - h) The maintenance records for each unit for the previous five years to present.
15. Provide a list of all the air pollution control devices (such as fabric filters, electrostatic precipitators, wet scrubbers, cyclones, thermal oxidizers, flares, catalytic reactors, carbon absorbers, absorption towers, emission control hoods or vents and biofilters) used at the facility. Include the following information with the list of devices:
- a) The installation date (month, day, and year) of the device;
  - b) A copy of the engineering and/or design specification for the device;
  - c) A list of the air pollutants (such as HAP, VOC, or criteria pollutants) that the device is used to control;





- d) The type of fuel used in each device (including the annual fuel usage rate and copies of documents showing usage, maintained for the previous five years to present);
  - e) The destruction efficiency (DE) for the device and the method used to determine it (include any supporting documentation such as stack or performance test);
  - f) Any monitoring records or computer charts for operating information and parameter monitoring collected (e.g., temperature and pressure) for the device for the last five years;
  - g) A description of how the device is maintained, including copies of maintenance records;
  - h) Any Startup, Shutdown, and Malfunction (SSM) plans and reports (copies of reports maintained for the previous five years to present) for the device.
16. Provide a description of all cleaning activities associated with the production of pesticide, PAI, or intermediate products conducted at the facility. Include the following information:
- a) A list of materials used in the cleaning processes;
  - b) The quantity of material, in pounds per month, used in the cleaning processes (for the previous five years to present);
  - c) A copy of the MSDS, SDS, or technical specification or vendor formulation sheets for the material used in the cleaning processes;
  - d) A description of how the waste material is disposed;
  - e) A description of how the raw material and waste material is stored at the facility before and after the cleaning processes (including a description of the type and size of containers used to store the materials); and
  - f) A copy of invoices and receipts for purchased raw materials for the previous five years to present.
17. For all wastewater treatment systems used by the facility, please provide the following information for the previous five years to present:
- a) Volumetric flow rate of the wastewater stream, in liters per minute (L/m), that is treated from the manufacturing processes (including documentation and flow meter readings showing flow rates);
  - b) Concentration of organic compounds measured in the wastewater stream, in parts per million by weight (ppmw), before and after treatment (include copies of analytical results or other methods that Jacobson used to determine the requested information);
  - c) Copies of monitoring records (pH levels and influent/effluent readings) for the wastewater stream;
  - d) Copies of maintenance, repair and calibration records for the wastewater stream for the previous five years to present;
  - e) A copy of the engineering specification or manufacture drawings for the wastewater treatment system; and



- f) **Copies of any reconstruction or repair documentations for the wastewater treatment system (including copies of invoices and receipts for the projects).**



**ENCLOSURE B**

**STATEMENT OF CERTIFICATION**

I certify that I have personally examined and am familiar with, the statements and information submitted in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true, correct, accurate, and complete.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Name & Title: \_\_\_\_\_



## **ENCLOSURE C**

### **CONFIDENTIAL BUSINESS INFORMATION (CBI) ASSERTION AND SUBSTANTIATION REQUIREMENTS**

You may assert a business confidentiality claim covering all or part of the information you provide in response to this information request for any business information entitled to confidential treatment under Section 114(c) of the Clean Air Act (the Act), 42 U.S.C. §7414, and 40 CFR Part 2, subpart B. Under Section 114(c) of the Act, you are entitled to confidential treatment of information that would divulge methods or processes entitled to protection as trade secrets. Under 40 CFR Part 2, subpart B, business confidentiality means the concept of trade secrecy and other related legal concepts which give (or may give) a business the right to preserve the confidentiality of business information and to limit its use or disclosure by others in order that the business may obtain or retain business advantages it derives from its rights in the information. See 40 CFR §2.201(e).

The criteria EPA will use in determining whether material you claim as business confidential is entitled to confidential treatment are set forth at 40 CFR §2.208 and 2.301. These regulations provide, among other things, that you must satisfactorily show that: (1) the information is within the scope of business confidentiality as defined at 40 CFR §2.201(e), (2) that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, (3) the information is not and has not been reasonably obtainable by legitimate means without your consent, and (4) the disclosure of the information is likely to cause substantial harm to your business' competitive edge. See 40 CFR §2.208 (a)-(d). Emission data, as defined at 40 CFR §2.301(a)(2), is expressly not entitled to confidential treatment under 40 CFR Part 2, subpart B. See 42 U.S.C. §7414(c); 40 CFR § 2.301(e).

Information covered by a claim of business confidentiality will be disclosed by EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Act and 40 CFR Part 2, subpart B. EPA will construe your failure to furnish a business confidentiality claim with your response to this information request as a waiver of that claim, and the information may be made available to the public without further notice to you.

To assert a business confidentiality claim, you must place on (or attach to) all information you desire to assert as business confidential either a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as trade secret, proprietary, or company confidential at the time you submit your response to this information request. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and may be submitted separately to facilitate identification and handling by EPA. You should indicate if you desire confidential treatment only until a certain date or until the occurrence of a certain event.

In addition, EPA is providing you notice that if you assert a claim of business confidentiality for information you provide in response to this information request, EPA will determine whether such information is entitled to confidential treatment, pursuant to 40 CFR Part 2, subpart B. Accordingly, after EPA's receipt of your business confidentiality claim, you will receive a letter inviting your comments on the following questions:

1. What specific portions of the information are alleged to be entitled to confidential treatment? Specify by page, paragraph, and sentence when identifying the information subject to your claim.





2. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, specify that event. Additionally, explain why the information should be protected for the time period you've specified.
3. What measures have you taken to protect the information claimed as confidential from undesired disclosure? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity whether disclosure of the information is likely to result in substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
7. Is there any other explanation you deem relevant to EPA's determination of your business confidentiality claim that is not covered in the preceding questions? If so, you may provide such additional explanation.

See 40 CFR §2.204(e)(4). When you receive such a letter, you must provide EPA with a written response within the number of days set forth in the letter. EPA will construe your failure to furnish timely comments as a waiver of your confidentiality claim, consistent with 40 CFR §2.204(e)(1).





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

MAR 29 2013

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Carl W. Stribling, Jr.  
Regulatory Compliance Manager  
Ergon Refining, Incorporated - Flare  
P.O. Box 309  
Vicksburg, Mississippi 39180

28-149-00003

112 NEWSNAPS

Flare

Dear Mr. Stribling:

The United States Environmental Protection Agency Region 4 hereby requires Ergon Refining, Incorporated to provide information regarding its Vicksburg, Mississippi facility. The agency requires this information in order to complete its compliance evaluation that started during the February 13, 2012, inspection.

Therefore, pursuant to Section 114(a) of the Clean Air Act (the Act), 42 U.S.C. Section 7414(a), as amended, you are hereby required to respond to the Information Request enclosed herein as Enclosure B. The response to the information requested must be accompanied by the enclosed Statement of Certification (Enclosure C), which is to be signed by a responsible official of Ergon Refining, Incorporated. Submit your response within **thirty (30)** days of receipt of this letter to the following:

Air and EPCRA Enforcement Branch  
U.S. Environmental Protection Agency  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303  
Attn: Wendell Reed

Please be advised that failure to comply with the above requirements within the specified time frame will constitute a violation of Section 114(a) of the Act and may result in the referral of this matter to the U.S. Attorney for the commencement of civil action for injunctive relief and the assessment of civil penalties pursuant to Section 113(b) of the Act.

Under 40 C.F.R. Part 2, Subpart B, you may assert a claim of business confidentiality for any portion of the submitted information. You must specify the page, paragraph, and sentence when identifying the information subject to your claim. Enclosure A specifies the assertion and substantiation requirements for business confidentiality claims and notifies you that the EPA intends to disclose information for which a claim of business confidentiality has been asserted to an authorized contractor for technical review, analysis, and evaluation support.

This Information Request is not subject to the approval requirement of the Paperwork Reduction Act of 1980, 44 U.S.C. §3501 et seq.



If you have questions regarding this Information Request, please contact Mr. Wendell Reed at (404) 562-9215.

Sincerely,



Beverly H. Banister  
Director  
Air, Pesticides and Toxics  
Management Division

Enclosures

cc: Chris Sanders  
Mississippi Commission on Environmental Quality  
Environmental Compliance and Enforcement Division  
Mississippi Department of Environmental Quality  
Office of Pollution Control  
P.O. Box 2261  
Jackson, Mississippi 39225-2261



## **Enclosure A**

### **Confidential Business Information (CBI)**

You may assert a business confidentiality claim covering all or part of the information you provide in response to this information request for any business information entitled to confidential treatment under Section 114(c) of the Clean Air Act (the Act), 42 U.S.C. § 7414, and 40 C.F.R. Part 2, subpart B. Under Section 114(c) of the Act, you are entitled to confidential treatment of information that would divulge methods or processes entitled to protection as trade secrets. Under 40 C.F.R. Part 2, subpart B, business confidentiality means "the concept of trade secrecy and other related legal concepts which give (or may give) a business the right to preserve the confidentiality of business information and to limit its use or disclosure by others in order that the business may obtain or retain business advantages it derives from its rights in the information." See 40 C.F.R. § 2.201(e).

Information covered by a claim of business confidentiality will be disclosed by EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Act and 40 C.F.R. Part 2, subpart B. The EPA will construe your failure to furnish a business confidentiality claim with your response to this information request as a waiver of that claim, and the information may be made available to the public without further notice to you.

To assert a business confidentiality claim, you must place on, or attach to, all information you desire to assert as business confidential either a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential" at the time you submit your response to this information request. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and may be submitted separately to facilitate identification and handling by EPA. You should indicate if you desire confidential treatment only until a certain date or until the occurrence of a certain event.

The criteria the EPA will use in determining whether material you claim as business confidential is entitled to confidential treatment are set forth at 40 C.F.R. §§ 2.208 and 2.301. These regulations provide, among other things, that you must satisfactorily show that: (1) the information is within the scope of business confidentiality as defined at 40 C.F.R. § 2.201(e), (2) that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, (3) the information is not and has not been reasonably obtainable by legitimate means without your consent, and (4) the disclosure of the information is likely to cause substantial harm to your business's competitive edge. See 40 C.F.R. § 2.208 (a)-(d). Emission data, as defined at 40 C.F.R. § 2.301(a)(2), is expressly not entitled to confidential treatment under 40 C.F.R. Part 2, subpart B. See 42 U.S.C. § 7414(c); 40 C.F.R. § 2.301(e).

If you assert a claim of business confidentiality in connection with information and documents forwarded in response to this request for information, in accordance with 40 C.F.R. § 2.204(e)(4), EPA is requesting that you answer the following questions with respect to any information or document for which you assert a claim of business confidentiality:

1. What specific portions of the information are alleged to be entitled to confidential treatment? Specify by page, paragraph, and sentence when identifying the information subject to your claim.





2. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, specify that event. Additionally, explain why the information should be protected for the time period you've specified.
3. What measures have you taken to protect the information claimed as confidential from undesired disclosure? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity whether disclosure of the information is likely to result in substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
7. Is there any other explanation you deem relevant to the Agency's determination of your business confidentiality claim that is not covered in the preceding questions? If so, you may provide such additional explanation.

You must furnish comments to the above questions concurrent with your response to this information request if you have claimed any information as business confidential. See 40 C.F.R. § 2.204(e)(2). Pursuant to 40 C.F.R. § 2.205(b)(2), you may request an extension of this deadline. The EPA will construe your failure to furnish timely comments as a waiver of your confidentiality claim, consistent with 40 C.F.R. § 2.204(e)(1). Please submit your comments to:

Air and EPCRA Enforcement Branch  
U.S. Environmental Protection Agency  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303  
Attn: Wendell Reed

Pursuant to 40 C.F.R. § 2.205(c), you are hereby advised that information you submit as part of your comments may be regarded by the EPA as entitled to confidential treatment if, when it is received by the Agency, it is marked in accordance with 40 C.F.R. § 2.203(b). As required by 40 C.F.R. § 2.204(e)(6), you may assert a business confidentiality claim covering all or part of your response to these questions, as provided in 40 C.F.R. § 2.203(b). Information covered by such a claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Clean Air Act (the Act) and 40 C.F.R. Part 2. The EPA will construe the failure to furnish a confidentiality claim with your



comments as a waiver of that claim, and the information may be made available to the public without further notice to you.

Pursuant to 40 C.F.R. §2.301(h)(2)(iii), you are further advised that to assist in its review and analysis of the submitted information, the EPA intends to share this information with an EPA contractor. Pursuant to 40 C.F.R. §2.301(h), the EPA possesses the authority to disclose information otherwise entitled to confidential treatment to any authorized representative of the United States approved to receive and review information subject to a business confidentiality claim. Pursuant to 40 C.F.R. §2.301(h)(2)(iii), the EPA is notifying you that the Agency intends to disclose information for which you may assert a business confidentiality claim to the Eastern Research Group, Inc. (ERG) under contract number EP-W-11-004, to provide EPA with technical review, analysis, and evaluation support. You may submit comments to the EPA with your response to this Request to Provide Information Pursuant to the Clean Air Act or within five (5) working days of your response. Please submit your comments to the above EPA Staff member.



## **Enclosure B**

### **Request to Provide Information**

In accordance with the foregoing Request to Provide Information Pursuant to the Clean Air Act, Ergon Refining, Incorporated must provide the following information within thirty (30) days of its receipt of this request. The EPA requests that the requested non-narrative information be provided in spreadsheet format, preferably in Excel.

#### **Definitions**

“Flare” is broadly defined as any open combustion unit (i.e., lacking an enclosed combustion chamber) whose combustion air is provided by uncontrolled ambient air around the flame, and that is used as a control or safety device. A flare may be equipped with a radiant heat shield (with or without a refractory lining), but is not equipped with a flame air control damping system to control the air/fuel mixture. In addition, a flare may also use auxiliary fuel. The combustion flame may be elevated or at ground level.

“Pilot Gas” means gas injected at a flare tip to maintain a flame.

“Purge Gas” or “Sweep Gas” means all gas introduced prior to the Flare tip to protect against oxygen buildup in the Flare header and/or to maintain a constant flow of gas through the flare and out the tip.

“Supplemental Gas” means all gas introduced to raise the heating value of Waste Gas.

“Vent Gas” means all gases found just prior to the flare tip. This gas includes all Waste Gas, Purge Gas, Supplemental Gas, nitrogen and hydrogen, but does not include Pilot Gas or steam.

“Waste Gas” means all gases routed to a flare for combustion, excluding Purge Gas, Supplemental Gas, Pilot Gas, and steam.

1. For each day beginning on January 1, 2006, through March 31, 2013, list the periods of time (date, start time, and end time) that Waste Gas, Purge Gas, and/or Supplemental Gas was routed to each flare at the Vicksburg, Mississippi facility (i.e., “venting periods”). This request and all requests below seek information regarding all facility devices meeting the definition of flare. Provide all information by individual flare identification number/name.
2. For each venting period listed in response to paragraph 1 above, provide the average heating value, in British Thermal Units per standard cubic foot (BTU/scf), of the stream that was vented to each facility flare. The averaging time shall not be greater than one hour. If the heating value is not measured, you shall use the best means available to estimate it. Provide a narrative explanation and example calculations describing how you arrived at your response.
3. For each venting period listed in response to paragraph 1 above, provide the average mass flow rate of the Vent Gas, in pounds per hour (lb/hr), that was vented to each facility flare. The averaging time shall be no more than one hour. If the mass flow rate is not measured, you shall use the best means available to estimate it. Provide a narrative explanation and example calculations describing how you arrived at your response.



4. For each venting period listed in response to paragraph 1 above, provide the average rate at which steam and/or air was being added to each facility flare, in lb/hr for steam and/or standard cubic feet per hour (scf/hr) for air, at all locations on the flare (i.e., the sum of seal, upper, lower, winterizing, etc.) during each venting period. The averaging time shall not be greater than one hour. If the steam and/or air flow is not measured, you shall use the best means available to estimate it. Provide a narrative explanation and example calculations, if appropriate, describing how you arrived at your response.
5. For each venting period listed in response to paragraph 1 above, provide the average steam-to-Vent Gas or air-to-Vent Gas ratio (pound of steam per pound of Vent Gas or standard cubic feet of air per pound of Vent Gas) during any release to each facility flare. The averaging time shall be no more than one hour. Provide a narrative explanation and example calculations, if appropriate, describing how you arrived at your response.
6. Provide a one-hour average of the concentration of each constituent in the Vent Gas during venting periods for the dates beginning one month prior to your receipt of this request, until the date of your receipt of this request.
7. Provide a list of the primary constituents in the Vent Gas routed to each flare for venting periods since January 1, 2006, and an estimated range of each constituent's concentration. Except for the period specified in paragraph 6, you need not determine the exact concentration of all compounds for each period of time, but only the most prominent compounds and an approximate range of concentration.
8. For each facility flare, provide the minimum steam or air addition rate, in lb/hr for steam and/or scf/hr for air, at all locations on the flare (seal, upper and lower). To the extent that the minimum steam or air addition rate changes on a seasonal basis, state the minimum rate for each season and the time periods during which each season's minimum rate applies.
9. Provide copies of any and all documents in your possession, custody, or control that prescribe or recommend the amount of steam or air to be added to each facility flare. Provide a copy of the entire document if, within the document, it states the maximum steam or air rate, minimum steam or air rate, steam or air addition rate associated with a vent scenario, general steam-to-vent gas or air-to-organic gas/vent gas ratio, or any other reference to steam addition.
10. For each facility flare, state with specificity which, if any, federal and/or state regulations regulate/apply to each flare. If any facility flare is listed in a permit issued under federal and/or state regulations, provide an electronic copy, preferably in "PDF", of each currently effective permit.
11. For each facility flare, state whether the flare is configured to receive gases/vapors from one or more pressure relief device(s), which is a safety device used to prevent operating pressures from exceeding the maximum allowable working pressure of the process equipment.
12. For each facility flare, state whether the flare and its associated closed vent system is used as the method of compliance with any federal regulation, including without limitation, the Standards of Performance for New Stationary Sources found at 40 C.F.R. Part 60, the National Emission Standards for Hazardous Air Pollutants found at 40 C.F.R. Part 61, and the National Emission Standards for Hazardous Air Pollutants for Source Categories found at 40 C.F.R. Part 63,





(specifically including without limitation any leak detection and repair (LDAR) provisions promulgated under these Parts such as 40 C.F.R. § 60.482-4(c), or 40 C.F.R. § 63.165(c)). In each such case, identify the process unit or equipment that is/are the “affected facility” under the applicable Part and the specific Subpart that applies to the “affected facility.”



## **ENCLOSURE C**

This is to be signed and dated by a duly authorized official of Ergon Refining, Incorporated.

### **STATEMENT OF CERTIFICATION**

I hereby certify that the foregoing responses and information provided to the EPA in response to its Clean Air Act, Section 114, Information Request were prepared under my direction or supervision and that I have personal knowledge of all matters set forth in the responses and the accompanying information or that I consulted with individuals having personal knowledge (note, please identify such individuals). I certify that the responses are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

---

Signature and Date

---

Printed Name and Title





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

MAR 29 2013

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Timothy R. Whitaker  
Environmental Compliance Manager  
Ashland Specialty Ingredients  
Ashland, Incorporated - Florida  
455 North Main Street, P.O. Box 37  
Calvert City, Kentucky 42029

*ISP Chemicals*  
*21-157-00003*

Dear Mr. Whitaker:

The United States Environmental Protection Agency Region 4 hereby requires Ashland, Incorporated to provide information regarding its Calvert City, Kentucky facility. The agency requires this information in order to complete its compliance evaluation that started during the March 26, 2012, inspection.

Therefore, pursuant to Section 114(a) of the Clean Air Act (the Act), 42 U.S.C. Section 7414(a), as amended, you are hereby required to respond to the Information Request enclosed herein as Enclosure B. The response to the information requested must be accompanied by the enclosed Statement of Certification (Enclosure C), which is to be signed by a responsible official of Ashland, Incorporated. Submit your response within **thirty (30)** days of receipt of this letter to the following:

Air and EPCRA Enforcement Branch  
U.S. Environmental Protection Agency  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303  
Attn: Wendell Reed

Please be advised that failure to comply with the above requirements within the specified time frame will constitute a violation of Section 114(a) of the Act and may result in the referral of this matter to the U.S. Attorney for the commencement of civil action for injunctive relief and the assessment of civil penalties pursuant to Section 113(b) of the Act.

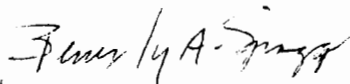
Under 40 C.F.R. Part 2, Subpart B, you may assert a claim of business confidentiality for any portion of the submitted information. You must specify the page, paragraph, and sentence when identifying the information subject to your claim. Enclosure A specifies the assertion and substantiation requirements for business confidentiality claims and notifies you that the EPA intends to disclose information for which a claim of business confidentiality has been asserted to an authorized contractor for technical review, analysis, and evaluation support.



This Information Request is not subject to the approval requirement of the Paperwork Reduction Act of 1980, 44 U.S.C. §3501 et seq.

If you have questions regarding this Information Request, please contact Mr. Wendell Reed at (404) 562-9215.

Sincerely,

  
Beverly H. Banister  
Director  
Air, Pesticides and Toxics  
Management Division

Enclosures

cc: John Lyons, Director  
Kentucky Division for Air Quality  
200 Fair Oaks Lane, 1st Floor  
Frankfort, Kentucky 40601





## **Enclosure A**

### **Confidential Business Information (CBI)**

You may assert a business confidentiality claim covering all or part of the information you provide in response to this information request for any business information entitled to confidential treatment under Section 114(c) of the Clean Air Act (the Act), 42 U.S.C. § 7414, and 40 C.F.R. Part 2, subpart B. Under Section 114(c) of the Act, you are entitled to confidential treatment of information that would divulge methods or processes entitled to protection as trade secrets. Under 40 C.F.R. Part 2, subpart B, business confidentiality means "the concept of trade secrecy and other related legal concepts which give (or may give) a business the right to preserve the confidentiality of business information and to limit its use or disclosure by others in order that the business may obtain or retain business advantages it derives from its rights in the information." See 40 C.F.R. § 2.201(e).

Information covered by a claim of business confidentiality will be disclosed by EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Act and 40 C.F.R. Part 2, subpart B. The EPA will construe your failure to furnish a business confidentiality claim with your response to this information request as a waiver of that claim, and the information may be made available to the public without further notice to you.

To assert a business confidentiality claim, you must place on, or attach to, all information you desire to assert as business confidential either a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential" at the time you submit your response to this information request. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and may be submitted separately to facilitate identification and handling by EPA. You should indicate if you desire confidential treatment only until a certain date or until the occurrence of a certain event.

The criteria the EPA will use in determining whether material you claim as business confidential is entitled to confidential treatment are set forth at 40 C.F.R. §§ 2.208 and 2.301. These regulations provide, among other things, that you must satisfactorily show that: (1) the information is within the scope of business confidentiality as defined at 40 C.F.R. § 2.201(e), (2) that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, (3) the information is not and has not been reasonably obtainable by legitimate means without your consent, and (4) the disclosure of the information is likely to cause substantial harm to your business's competitive edge. See 40 C.F.R. § 2.208 (a)-(d). Emission data, as defined at 40 C.F.R. § 2.301(a)(2), is expressly not entitled to confidential treatment under 40 C.F.R. Part 2, subpart B. See 42 U.S.C. § 7414(c); 40 C.F.R. § 2.301(e).

If you assert a claim of business confidentiality in connection with information and documents forwarded in response to this request for information, in accordance with 40 C.F.R. § 2.204(e)(4), EPA is requesting that you answer the following questions with respect to any information or document for which you assert a claim of business confidentiality:

1. What specific portions of the information are alleged to be entitled to confidential treatment? Specify by page, paragraph, and sentence when identifying the information subject to your claim.



2. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, specify that event. Additionally, explain why the information should be protected for the time period you've specified.
3. What measures have you taken to protect the information claimed as confidential from undesired disclosure? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity whether disclosure of the information is likely to result in substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
7. Is there any other explanation you deem relevant to the Agency's determination of your business confidentiality claim that is not covered in the preceding questions? If so, you may provide such additional explanation.

You must furnish comments to the above questions concurrent with your response to this information request if you have claimed any information as business confidential. See 40 C.F.R. § 2.204(e)(2). Pursuant to 40 C.F.R. § 2.205(b)(2), you may request an extension of this deadline. The EPA will construe your failure to furnish timely comments as a waiver of your confidentiality claim, consistent with 40 C.F.R. § 2.204(e)(1). Please submit your comments to:

Air and EPCRA Enforcement Branch  
U.S. Environmental Protection Agency  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303  
Attn: Wendell Reed

Pursuant to 40 C.F.R. § 2.205(c), you are hereby advised that information you submit as part of your comments may be regarded by the EPA as entitled to confidential treatment if, when it is received by the Agency, it is marked in accordance with 40 C.F.R. § 2.203(b). As required by 40 C.F.R. § 2.204(e)(6), you may assert a business confidentiality claim covering all or part of your response to these questions, as provided in 40 C.F.R. § 2.203(b). Information covered by such a claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Clean Air Act (the Act) and 40 C.F.R. Part 2. The EPA will construe the failure to furnish a confidentiality claim with your



comments as a waiver of that claim, and the information may be made available to the public without further notice to you.

Pursuant to 40 C.F.R. §2.301(h)(2)(iii), you are further advised that to assist in its review and analysis of the submitted information, the EPA intends to share this information with an EPA contractor. Pursuant to 40 C.F.R. §2.301(h), the EPA possesses the authority to disclose information otherwise entitled to confidential treatment to any authorized representative of the United States approved to receive and review information subject to a business confidentiality claim. Pursuant to 40 C.F.R. §2.301(h)(2)(iii), the EPA is notifying you that the Agency intends to disclose information for which you may assert a business confidentiality claim to the Eastern Research Group, Inc. (ERG) under contract number EP-W-11-004, to provide EPA with technical review, analysis, and evaluation support. You may submit comments to the EPA with your response to this Request to Provide Information Pursuant to the Clean Air Act or within five (5) working days of your response. Please submit your comments to the above EPA Staff member.



## **Enclosure B**

### **Request to Provide Information**

In accordance with the foregoing Request to Provide Information Pursuant to the Clean Air Act, Ashland, Incorporated must provide the following information within thirty (30) days of its receipt of this request. The EPA requests that the requested non-narrative information be provided in spreadsheet format, preferably in Excel.

#### **Definitions**

“Flare” is broadly defined as any open combustion unit (i.e., lacking an enclosed combustion chamber) whose combustion air is provided by uncontrolled ambient air around the flame, and that is used as a control or safety device. A flare may be equipped with a radiant heat shield (with or without a refractory lining), but is not equipped with a flame air control damping system to control the air/fuel mixture. In addition, a flare may also use auxiliary fuel. The combustion flame may be elevated or at ground level.

“Pilot Gas” means gas injected at a flare tip to maintain a flame.

“Purge Gas” or “Sweep Gas” means all gas introduced prior to the Flare tip to protect against oxygen buildup in the Flare header and/or to maintain a constant flow of gas through the flare and out the tip.

“Supplemental Gas” means all gas introduced to raise the heating value of Waste Gas.

“Vent Gas” means all gases found just prior to the flare tip. This gas includes all Waste Gas, Purge Gas, Supplemental Gas, nitrogen and hydrogen, but does not include Pilot Gas or steam.

“Waste Gas” means all gases routed to a flare for combustion, excluding Purge Gas, Supplemental Gas, Pilot Gas, and steam.

1. For each day beginning on January 1, 2006, through March 31, 2013, list the periods of time (date, start time, and end time) that Waste Gas, Purge Gas, and/or Supplemental Gas was routed to each flare at the Calvert City, Kentucky facility (i.e., “venting periods”). This request and all requests below seek information regarding all facility devices meeting the definition of flare. Provide all information by individual flare identification number/name.
2. For each venting period listed in response to paragraph 1 above, provide the average heating value, in British Thermal Units per standard cubic foot (BTU/scf), of the stream that was vented to each facility flare. The averaging time shall not be greater than one hour. If the heating value is not measured, you shall use the best means available to estimate it. Provide a narrative explanation and example calculations describing how you arrived at your response.
3. For each venting period listed in response to paragraph 1 above, provide the average mass flow rate of the Vent Gas, in pounds per hour (lb/hr), that was vented to each facility flare. The averaging time shall be no more than one hour. If the mass flow rate is not measured, you shall use the best means available to estimate it. Provide a narrative explanation and example calculations describing how you arrived at your response.





4. For each venting period listed in response to paragraph 1 above, provide the average rate at which steam and/or air was being added to each facility flare, in lb/hr for steam and/or standard cubic feet per hour (scf/hr) for air, at all locations on the flare (i.e., the sum of seal, upper, lower, winterizing, etc.) during each venting period. The averaging time shall not be greater than one hour. If the steam and/or air flow is not measured, you shall use the best means available to estimate it. Provide a narrative explanation and example calculations, if appropriate, describing how you arrived at your response.
5. For each venting period listed in response to paragraph 1 above, provide the average steam-to-Vent Gas or air-to-Vent Gas ratio (pound of steam per pound of Vent Gas or standard cubic feet of air per pound of Vent Gas) during any release to each facility flare. The averaging time shall be no more than one hour. Provide a narrative explanation and example calculations, if appropriate, describing how you arrived at your response.
6. Provide a one-hour average of the concentration of each constituent in the Vent Gas during venting periods for the dates beginning one month prior to your receipt of this request, until the date of your receipt of this request.
7. Provide a list of the primary constituents in the Vent Gas routed to each flare for venting periods since January 1, 2006, and an estimated range of each constituent's concentration. Except for the period specified in paragraph 6, you need not determine the exact concentration of all compounds for each period of time, but only the most prominent compounds and an approximate range of concentration.
8. For each facility flare, provide the minimum steam or air addition rate, in lb/hr for steam and/or scf/hr for air, at all locations on the flare (seal, upper and lower). To the extent that the minimum steam or air addition rate changes on a seasonal basis, state the minimum rate for each season and the time periods during which each season's minimum rate applies.
9. Provide copies of any and all documents in your possession, custody, or control that prescribe or recommend the amount of steam or air to be added to each facility flare. Provide a copy of the entire document if, within the document, it states the maximum steam or air rate, minimum steam or air rate, steam or air addition rate associated with a vent scenario, general steam-to-vent gas or air-to-organic gas/vent gas ratio, or any other reference to steam addition.
10. For each facility flare, state with specificity which, if any, federal and/or state regulations regulate/apply to each flare. If any facility flare is listed in a permit issued under federal and/or state regulations, provide an electronic copy, preferably in "PDF", of each currently effective permit.
11. For each facility flare, state whether the flare is configured to receive gases/vapors from one or more pressure relief device(s), which is a safety device used to prevent operating pressures from exceeding the maximum allowable working pressure of the process equipment.
12. For each facility flare, state whether the flare and its associated closed vent system is used as the method of compliance with any federal regulation, including without limitation, the Standards of Performance for New Stationary Sources found at 40 C.F.R. Part 60, the National Emission Standards for Hazardous Air Pollutants found at 40 C.F.R. Part 61, and the National Emission Standards for Hazardous Air Pollutants for Source Categories found at 40 C.F.R. Part 63,



(specifically including without limitation any leak detection and repair (LDAR) provisions promulgated under these Parts such as 40 C.F.R. § 60.482-4(c), or 40 C.F.R. § 63.165(c)). In each such case, identify the process unit or equipment that is/are the “affected facility” under the applicable Part and the specific Subpart that applies to the “affected facility.”



## **ENCLOSURE C**

This is to be signed and dated by a duly authorized official of Ashland, Incorporated.

### **STATEMENT OF CERTIFICATION**

I hereby certify that the foregoing responses and information provided to the EPA in response to its Clean Air Act, Section 114, Information Request were prepared under my direction or supervision and that I have personal knowledge of all matters set forth in the responses and the accompanying information or that I consulted with individuals having personal knowledge (note, please identify such individuals). I certify that the responses are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

---

Signature and Date

---

Printed Name and Title





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

MAR 29 2013

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Ms. Casey Frederick  
Director, Environmental Affairs  
Hunt Refining Company - Flange  
P.O. Box 038995  
Tuscaloosa, Alabama 35403-8995

01-125-09007

Flange  
112

Dear Ms. Frederick:

The United States Environmental Protection Agency Region 4 hereby requires Hunt Refining Company to provide information regarding its Tuscaloosa, Alabama facility. The agency requires this information in order to complete its compliance evaluation that started during the October 17, 2011, inspection.

Therefore, pursuant to Section 114(a) of the Clean Air Act (the Act), 42 U.S.C. Section 7414(a), as amended, you are hereby required to respond to the Information Request enclosed herein as Enclosure B. The response to the information requested must be accompanied by the enclosed Statement of Certification (Enclosure C), which is to be signed by a responsible official of Hunt Refining Company. Submit your response within **thirty (30)** days of receipt of this letter to the following:

Air and EPCRA Enforcement Branch  
U.S. Environmental Protection Agency  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303  
Attn: Wendell Reed

Please be advised that failure to comply with the above requirements within the specified time frame will constitute a violation of Section 114(a) of the Act and may result in the referral of this matter to the U.S. Attorney for the commencement of civil action for injunctive relief and the assessment of civil penalties pursuant to Section 113(b) of the Act.

Under 40 C.F.R. Part 2, Subpart B, you may assert a claim of business confidentiality for any portion of the submitted information. You must specify the page, paragraph, and sentence when identifying the information subject to your claim. Enclosure A specifies the assertion and substantiation requirements for business confidentiality claims and notifies you that the EPA intends to disclose information for which a claim of business confidentiality has been asserted to an authorized contractor for technical review, analysis, and evaluation support.

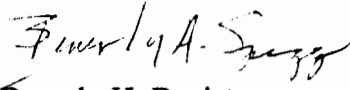
This Information Request is not subject to the approval requirement of the Paperwork Reduction Act of 1980, 44 U.S.C. §3501 et seq.





If you have questions regarding this Information Request, please contact Mr. Wendell Reed at (404) 562-9215.

Sincerely,

  
Beverly H. Banister  
Director  
Air, Pesticides and Toxics  
Management Division

Enclosures

cc: Larry Brown  
Alabama Department of Environmental Management  
Air Division  
P.O. Box 301463  
Montgomery, AL 36130-1463



## **Enclosure A**

### **Confidential Business Information (CBI)**

You may assert a business confidentiality claim covering all or part of the information you provide in response to this information request for any business information entitled to confidential treatment under Section 114(c) of the Clean Air Act (the Act), 42 U.S.C. § 7414, and 40 C.F.R. Part 2, subpart B. Under Section 114(c) of the Act, you are entitled to confidential treatment of information that would divulge methods or processes entitled to protection as trade secrets. Under 40 C.F.R. Part 2, subpart B, business confidentiality means "the concept of trade secrecy and other related legal concepts which give (or may give) a business the right to preserve the confidentiality of business information and to limit its use or disclosure by others in order that the business may obtain or retain business advantages it derives from its rights in the information." See 40 C.F.R. § 2.201(e).

Information covered by a claim of business confidentiality will be disclosed by EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Act and 40 C.F.R. Part 2, subpart B. The EPA will construe your failure to furnish a business confidentiality claim with your response to this information request as a waiver of that claim, and the information may be made available to the public without further notice to you.

To assert a business confidentiality claim, you must place on, or attach to, all information you desire to assert as business confidential either a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential" at the time you submit your response to this information request. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and may be submitted separately to facilitate identification and handling by EPA. You should indicate if you desire confidential treatment only until a certain date or until the occurrence of a certain event.

The criteria the EPA will use in determining whether material you claim as business confidential is entitled to confidential treatment are set forth at 40 C.F.R. §§ 2.208 and 2.301. These regulations provide, among other things, that you must satisfactorily show that: (1) the information is within the scope of business confidentiality as defined at 40 C.F.R. § 2.201(e), (2) that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, (3) the information is not and has not been reasonably obtainable by legitimate means without your consent, and (4) the disclosure of the information is likely to cause substantial harm to your business's competitive edge. See 40 C.F.R. § 2.208 (a)-(d). Emission data, as defined at 40 C.F.R. § 2.301(a)(2), is expressly not entitled to confidential treatment under 40 C.F.R. Part 2, subpart B. See 42 U.S.C. § 7414(c); 40 C.F.R. § 2.301(e).

If you assert a claim of business confidentiality in connection with information and documents forwarded in response to this request for information, in accordance with 40 C.F.R. § 2.204(e)(4), EPA is requesting that you answer the following questions with respect to any information or document for which you assert a claim of business confidentiality:

1. What specific portions of the information are alleged to be entitled to confidential treatment? Specify by page, paragraph, and sentence when identifying the information subject to your claim.



2. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, specify that event. Additionally, explain why the information should be protected for the time period you've specified.
3. What measures have you taken to protect the information claimed as confidential from undesired disclosure? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity whether disclosure of the information is likely to result in substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
7. Is there any other explanation you deem relevant to the Agency's determination of your business confidentiality claim that is not covered in the preceding questions? If so, you may provide such additional explanation.

You must furnish comments to the above questions concurrent with your response to this information request if you have claimed any information as business confidential. See 40 C.F.R. § 2.204(e)(2). Pursuant to 40 C.F.R. § 2.205(b)(2), you may request an extension of this deadline. The EPA will construe your failure to furnish timely comments as a waiver of your confidentiality claim, consistent with 40 C.F.R. § 2.204(e)(1). Please submit your comments to:

Air and EPCRA Enforcement Branch  
U.S. Environmental Protection Agency  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303  
Attn: Wendell Reed

Pursuant to 40 C.F.R. § 2.205(c), you are hereby advised that information you submit as part of your comments may be regarded by the EPA as entitled to confidential treatment if, when it is received by the Agency, it is marked in accordance with 40 C.F.R. § 2.203(b). As required by 40 C.F.R. § 2.204(e)(6), you may assert a business confidentiality claim covering all or part of your response to these questions, as provided in 40 C.F.R. § 2.203(b). Information covered by such a claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Clean Air Act (the Act) and 40 C.F.R. Part 2. The EPA will construe the failure to furnish a confidentiality claim with your



comments as a waiver of that claim, and the information may be made available to the public without further notice to you.

Pursuant to 40 C.F.R. §2.301(h)(2)(iii), you are further advised that to assist in its review and analysis of the submitted information, the EPA intends to share this information with an EPA contractor. Pursuant to 40 C.F.R. §2.301(h), the EPA possesses the authority to disclose information otherwise entitled to confidential treatment to any authorized representative of the United States approved to receive and review information subject to a business confidentiality claim. Pursuant to 40 C.F.R. §2.301(h)(2)(iii), the EPA is notifying you that the Agency intends to disclose information for which you may assert a business confidentiality claim to the Eastern Research Group, Inc. (ERG) under contract number EP-W-11-004, to provide EPA with technical review, analysis, and evaluation support. You may submit comments to the EPA with your response to this Request to Provide Information Pursuant to the Clean Air Act or within five (5) working days of your response. Please submit your comments to the above EPA Staff member.





## **Enclosure B**

### **Request to Provide Information**

In accordance with the foregoing Request to Provide Information Pursuant to the Clean Air Act, Hunt Refining Company must provide the following information within thirty (30) days of its receipt of this request. The EPA requests that the requested non-narrative information be provided in spreadsheet format, preferably in Excel.

#### **Definitions**

“Flare” is broadly defined as any open combustion unit (i.e., lacking an enclosed combustion chamber) whose combustion air is provided by uncontrolled ambient air around the flame, and that is used as a control or safety device. A flare may be equipped with a radiant heat shield (with or without a refractory lining), but is not equipped with a flame air control damping system to control the air/fuel mixture. In addition, a flare may also use auxiliary fuel. The combustion flame may be elevated or at ground level.

“Pilot Gas” means gas injected at a flare tip to maintain a flame.

“Purge Gas” or “Sweep Gas” means all gas introduced prior to the Flare tip to protect against oxygen buildup in the Flare header and/or to maintain a constant flow of gas through the flare and out the tip.

“Supplemental Gas” means all gas introduced to raise the heating value of Waste Gas.

“Vent Gas” means all gases found just prior to the flare tip. This gas includes all Waste Gas, Purge Gas, Supplemental Gas, nitrogen and hydrogen, but does not include Pilot Gas or steam.

“Waste Gas” means all gases routed to a flare for combustion, excluding Purge Gas, Supplemental Gas, Pilot Gas, and steam.

1. For each day beginning on January 1, 2006, through March 31, 2013, list the periods of time (date, start time, and end time) that Waste Gas, Purge Gas, and/or Supplemental Gas was routed to each flare at the Tuscaloosa, Alabama facility (i.e., “venting periods”). This request and all requests below seek information regarding all facility devices meeting the definition of flare. Provide all information by individual flare identification number/name.
2. For each venting period listed in response to paragraph 1 above, provide the average heating value, in British Thermal Units per standard cubic foot (BTU/scf), of the stream that was vented to each facility flare. The averaging time shall not be greater than one hour. If the heating value is not measured, you shall use the best means available to estimate it. Provide a narrative explanation and example calculations describing how you arrived at your response.
3. For each venting period listed in response to paragraph 1 above, provide the average mass flow rate of the Vent Gas, in pounds per hour (lb/hr), that was vented to each facility flare. The averaging time shall be no more than one hour. If the mass flow rate is not measured, you shall use the best means available to estimate it. Provide a narrative explanation and example calculations describing how you arrived at your response.



4. For each venting period listed in response to paragraph 1 above, provide the average rate at which steam and/or air was being added to each facility flare, in lb/hr for steam and/or standard cubic feet per hour (scf/hr) for air, at all locations on the flare (i.e., the sum of seal, upper, lower, winterizing, etc.) during each venting period. The averaging time shall not be greater than one hour. If the steam and/or air flow is not measured, you shall use the best means available to estimate it. Provide a narrative explanation and example calculations, if appropriate, describing how you arrived at your response.
5. For each venting period listed in response to paragraph 1 above, provide the average steam-to-Vent Gas or air-to-Vent Gas ratio (pound of steam per pound of Vent Gas or standard cubic feet of air per pound of Vent Gas) during any release to each facility flare. The averaging time shall be no more than one hour. Provide a narrative explanation and example calculations, if appropriate, describing how you arrived at your response.
6. Provide a one-hour average of the concentration of each constituent in the Vent Gas during venting periods for the dates beginning one month prior to your receipt of this request, until the date of your receipt of this request.
7. Provide a list of the primary constituents in the Vent Gas routed to each flare for venting periods since January 1, 2006, and an estimated range of each constituent's concentration. Except for the period specified in paragraph 6, you need not determine the exact concentration of all compounds for each period of time, but only the most prominent compounds and an approximate range of concentration.
8. For each facility flare, provide the minimum steam or air addition rate, in lb/hr for steam and/or scf/hr for air, at all locations on the flare (seal, upper and lower). To the extent that the minimum steam or air addition rate changes on a seasonal basis, state the minimum rate for each season and the time periods during which each season's minimum rate applies.
9. Provide copies of any and all documents in your possession, custody, or control that prescribe or recommend the amount of steam or air to be added to each facility flare. Provide a copy of the entire document if, within the document, it states the maximum steam or air rate, minimum steam or air rate, steam or air addition rate associated with a vent scenario, general steam-to-vent gas or air-to-organic gas/vent gas ratio, or any other reference to steam addition.
10. For each facility flare, state with specificity which, if any, federal and/or state regulations regulate/apply to each flare. If any facility flare is listed in a permit issued under federal and/or state regulations, provide an electronic copy, preferably in "PDF", of each currently effective permit.
11. For each facility flare, state whether the flare is configured to receive gases/vapors from one or more pressure relief device(s), which is a safety device used to prevent operating pressures from exceeding the maximum allowable working pressure of the process equipment.
12. For each facility flare, state whether the flare and its associated closed vent system is used as the method of compliance with any federal regulation, including without limitation, the Standards of Performance for New Stationary Sources found at 40 C.F.R. Part 60, the National Emission Standards for Hazardous Air Pollutants found at 40 C.F.R. Part 61, and the National Emission Standards for Hazardous Air Pollutants for Source Categories found at 40 C.F.R. Part 63,



(specifically including without limitation any leak detection and repair (LDAR) provisions promulgated under these Parts such as 40 C.F.R. § 60.482-4(c), or 40 C.F.R. § 63.165(c)). In each such case, identify the process unit or equipment that is/are the “affected facility” under the applicable Part and the specific Subpart that applies to the “affected facility.”



## **ENCLOSURE C**

This is to be signed and dated by a duly authorized official of Hunt Refining Company.

### **STATEMENT OF CERTIFICATION**

I hereby certify that the foregoing responses and information provided to the EPA in response to its Clean Air Act, Section 114, Information Request were prepared under my direction or supervision and that I have personal knowledge of all matters set forth in the responses and the accompanying information or that I consulted with individuals having personal knowledge (note, please identify such individuals). I certify that the responses are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

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Signature and Date

---

Printed Name and Title







UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

MAR 29 2013

UNITED PARCEL SERVICE

Mr. Terence M. Welch  
Site Manager  
BP Amoco Chemicals  
1401 Finley Island Road  
Decatur, Alabama 35609

01-103-000002

Dear Mr. Welch:

The United States Environmental Protection Agency Region 4 hereby requires BP Amoco Chemicals to provide information regarding its Decatur, Alabama facility. The agency requires this information in order to complete its compliance evaluation that started during the October 31, 2011, inspection.

Therefore, pursuant to Section 114(a) of the Clean Air Act (the Act), 42 U.S.C. Section 7414(a), as amended, you are hereby required to respond to the Information Request enclosed herein as Enclosure B. The response to the information requested must be accompanied by the enclosed Statement of Certification (Enclosure C), which is to be signed by a responsible official of BP Amoco Chemicals. Submit your response within **thirty (30)** days of receipt of this letter to the following:

Air and EPCRA Enforcement Branch  
U.S. Environmental Protection Agency  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303  
Attn: Wendell Reed

Please be advised that failure to comply with the above requirements within the specified time frame will constitute a violation of Section 114(a) of the Act and may result in the referral of this matter to the U.S. Attorney for the commencement of civil action for injunctive relief and the assessment of civil penalties pursuant to Section 113(b) of the Act.

Under 40 C.F.R. Part 2, Subpart B, you may assert a claim of business confidentiality for any portion of the submitted information. You must specify the page, paragraph, and sentence when identifying the information subject to your claim. Enclosure A specifies the assertion and substantiation requirements for business confidentiality claims and notifies you that the EPA intends to disclose information for which a claim of business confidentiality has been asserted to an authorized contractor for technical review, analysis, and evaluation support.

This Information Request is not subject to the approval requirement of the Paperwork Reduction Act of 1980, 44 U.S.C. §3501 et seq.



If you have questions regarding this Information Request, please contact Mr. Wendell Reed at (404) 562-9215.

Sincerely,



Beverly H. Banister  
Director  
Air, Pesticides and Toxics  
Management Division

Enclosures

cc: Larry Brown  
Alabama Department of Environmental Management  
Air Division  
P.O. Box 301463  
Montgomery, AL 36130-1463



## **Enclosure A**

### **Confidential Business Information (CBI)**

You may assert a business confidentiality claim covering all or part of the information you provide in response to this information request for any business information entitled to confidential treatment under Section 114(c) of the Clean Air Act (the Act), 42 U.S.C. § 7414, and 40 C.F.R. Part 2, subpart B. Under Section 114(c) of the Act, you are entitled to confidential treatment of information that would divulge methods or processes entitled to protection as trade secrets. Under 40 C.F.R. Part 2, subpart B, business confidentiality means "the concept of trade secrecy and other related legal concepts which give (or may give) a business the right to preserve the confidentiality of business information and to limit its use or disclosure by others in order that the business may obtain or retain business advantages it derives from its rights in the information." See 40 C.F.R. § 2.201(e).

Information covered by a claim of business confidentiality will be disclosed by EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Act and 40 C.F.R. Part 2, subpart B. The EPA will construe your failure to furnish a business confidentiality claim with your response to this information request as a waiver of that claim, and the information may be made available to the public without further notice to you.

To assert a business confidentiality claim, you must place on, or attach to, all information you desire to assert as business confidential either a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential" at the time you submit your response to this information request. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and may be submitted separately to facilitate identification and handling by EPA. You should indicate if you desire confidential treatment only until a certain date or until the occurrence of a certain event.

The criteria the EPA will use in determining whether material you claim as business confidential is entitled to confidential treatment are set forth at 40 C.F.R. §§ 2.208 and 2.301. These regulations provide, among other things, that you must satisfactorily show that: (1) the information is within the scope of business confidentiality as defined at 40 C.F.R. § 2.201(e), (2) that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, (3) the information is not and has not been reasonably obtainable by legitimate means without your consent, and (4) the disclosure of the information is likely to cause substantial harm to your business's competitive edge. See 40 C.F.R. § 2.208 (a)-(d). Emission data, as defined at 40 C.F.R. § 2.301(a)(2), is expressly not entitled to confidential treatment under 40 C.F.R. Part 2, subpart B. See 42 U.S.C. § 7414(c); 40 C.F.R. § 2.301(e).

If you assert a claim of business confidentiality in connection with information and documents forwarded in response to this request for information, in accordance with 40 C.F.R. § 2.204(e)(4), EPA is requesting that you answer the following questions with respect to any information or document for which you assert a claim of business confidentiality:

1. What specific portions of the information are alleged to be entitled to confidential treatment? Specify by page, paragraph, and sentence when identifying the information subject to your claim.



2. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, specify that event. Additionally, explain why the information should be protected for the time period you've specified.
3. What measures have you taken to protect the information claimed as confidential from undesired disclosure? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity whether disclosure of the information is likely to result in substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
7. Is there any other explanation you deem relevant to the Agency's determination of your business confidentiality claim that is not covered in the preceding questions? If so, you may provide such additional explanation.

You must furnish comments to the above questions concurrent with your response to this information request if you have claimed any information as business confidential. See 40 C.F.R. § 2.204(e)(2). Pursuant to 40 C.F.R. § 2.205(b)(2), you may request an extension of this deadline. The EPA will construe your failure to furnish timely comments as a waiver of your confidentiality claim, consistent with 40 C.F.R. § 2.204(e)(1). Please submit your comments to:

Air and EPCRA Enforcement Branch  
U.S. Environmental Protection Agency  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303  
Attn: Wendell Reed

Pursuant to 40 C.F.R. § 2.205(c), you are hereby advised that information you submit as part of your comments may be regarded by the EPA as entitled to confidential treatment if, when it is received by the Agency, it is marked in accordance with 40 C.F.R. § 2.203(b). As required by 40 C.F.R. § 2.204(e)(6), you may assert a business confidentiality claim covering all or part of your response to these questions, as provided in 40 C.F.R. § 2.203(b). Information covered by such a claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Clean Air Act (the Act) and 40 C.F.R. Part 2. The EPA will construe the failure to furnish a confidentiality claim with your





comments as a waiver of that claim, and the information may be made available to the public without further notice to you.

Pursuant to 40 C.F.R. §2.301(h)(2)(iii), you are further advised that to assist in its review and analysis of the submitted information, the EPA intends to share this information with an EPA contractor. Pursuant to 40 C.F.R. §2.301(h), the EPA possesses the authority to disclose information otherwise entitled to confidential treatment to any authorized representative of the United States approved to receive and review information subject to a business confidentiality claim. Pursuant to 40 C.F.R. §2.301(h)(2)(iii), the EPA is notifying you that the Agency intends to disclose information for which you may assert a business confidentiality claim to the Eastern Research Group, Inc. (ERG) under contract number EP-W-11-004, to provide EPA with technical review, analysis, and evaluation support. You may submit comments to the EPA with your response to this Request to Provide Information Pursuant to the Clean Air Act or within five (5) working days of your response. Please submit your comments to the above EPA Staff member.



## **Enclosure B**

### **Request to Provide Information**

In accordance with the foregoing Request to Provide Information Pursuant to the Clean Air Act, BP Amoco Chemicals must provide the following information within thirty (30) days of its receipt of this request. The EPA requests that the requested non-narrative information be provided in spreadsheet format, preferably in Excel.

#### **Definitions**

“Flare” is broadly defined as any open combustion unit (i.e., lacking an enclosed combustion chamber) whose combustion air is provided by uncontrolled ambient air around the flame, and that is used as a control or safety device. A flare may be equipped with a radiant heat shield (with or without a refractory lining), but is not equipped with a flame air control damping system to control the air/fuel mixture. In addition, a flare may also use auxiliary fuel. The combustion flame may be elevated or at ground level.

“Pilot Gas” means gas injected at a flare tip to maintain a flame.

“Purge Gas” or “Sweep Gas” means all gas introduced prior to the Flare tip to protect against oxygen buildup in the Flare header and/or to maintain a constant flow of gas through the flare and out the tip.

“Supplemental Gas” means all gas introduced to raise the heating value of Waste Gas.

“Vent Gas” means all gases found just prior to the flare tip. This gas includes all Waste Gas, Purge Gas, Supplemental Gas, nitrogen and hydrogen, but does not include Pilot Gas or steam.

“Waste Gas” means all gases routed to a flare for combustion, excluding Purge Gas, Supplemental Gas, Pilot Gas, and steam.

1. For each day beginning on January 1, 2006, through March 31, 2013, list the periods of time (date, start time, and end time) that Waste Gas, Purge Gas, and/or Supplemental Gas was routed to each flare at the Decatur, Alabama facility (i.e., “venting periods”). This request and all requests below seek information regarding all facility devices meeting the definition of flare. Provide all information by individual flare identification number/name.
2. For each venting period listed in response to paragraph 1 above, provide the average heating value, in British Thermal Units per standard cubic foot (BTU/scf), of the stream that was vented to each facility flare. The averaging time shall not be greater than one hour. If the heating value is not measured, you shall use the best means available to estimate it. Provide a narrative explanation and example calculations describing how you arrived at your response.
3. For each venting period listed in response to paragraph 1 above, provide the average mass flow rate of the Vent Gas, in pounds per hour (lb/hr), that was vented to each facility flare. The averaging time shall be no more than one hour. If the mass flow rate is not measured, you shall use the best means available to estimate it. Provide a narrative explanation and example calculations describing how you arrived at your response.



4. For each venting period listed in response to paragraph 1 above, provide the average rate at which steam and/or air was being added to each facility flare, in lb/hr for steam and/or standard cubic feet per hour (scf/hr) for air, at all locations on the flare (i.e., the sum of seal, upper, lower, winterizing, etc.) during each venting period. The averaging time shall not be greater than one hour. If the steam and/or air flow is not measured, you shall use the best means available to estimate it. Provide a narrative explanation and example calculations, if appropriate, describing how you arrived at your response.
5. For each venting period listed in response to paragraph 1 above, provide the average steam-to-Vent Gas or air-to-Vent Gas ratio (pound of steam per pound of Vent Gas or standard cubic feet of air per pound of Vent Gas) during any release to each facility flare. The averaging time shall be no more than one hour. Provide a narrative explanation and example calculations, if appropriate, describing how you arrived at your response.
6. Provide a one-hour average of the concentration of each constituent in the Vent Gas during venting periods for the dates beginning one month prior to your receipt of this request, until the date of your receipt of this request.
7. Provide a list of the primary constituents in the Vent Gas routed to each flare for venting periods since January 1, 2006, and an estimated range of each constituent's concentration. Except for the period specified in paragraph 6, you need not determine the exact concentration of all compounds for each period of time, but only the most prominent compounds and an approximate range of concentration.
8. For each facility flare, provide the minimum steam or air addition rate, in lb/hr for steam and/or scf/hr for air, at all locations on the flare (seal, upper and lower). To the extent that the minimum steam or air addition rate changes on a seasonal basis, state the minimum rate for each season and the time periods during which each season's minimum rate applies.
9. Provide copies of any and all documents in your possession, custody, or control that prescribe or recommend the amount of steam or air to be added to each facility flare. Provide a copy of the entire document if, within the document, it states the maximum steam or air rate, minimum steam or air rate, steam or air addition rate associated with a vent scenario, general steam-to-vent gas or air-to-organic gas/vent gas ratio, or any other reference to steam addition.
10. For each facility flare, state with specificity which, if any, federal and/or state regulations regulate/apply to each flare. If any facility flare is listed in a permit issued under federal and/or state regulations, provide an electronic copy, preferably in "PDF", of each currently effective permit.
11. For each facility flare, state whether the flare is configured to receive gases/vapors from one or more pressure relief device(s), which is a safety device used to prevent operating pressures from exceeding the maximum allowable working pressure of the process equipment.
12. For each facility flare, state whether the flare and its associated closed vent system is used as the method of compliance with any federal regulation, including without limitation, the Standards of Performance for New Stationary Sources found at 40 C.F.R. Part 60, the National Emission Standards for Hazardous Air Pollutants found at 40 C.F.R. Part 61, and the National Emission Standards for Hazardous Air Pollutants for Source Categories found at 40 C.F.R. Part 63,



(specifically including without limitation any leak detection and repair (LDAR) provisions promulgated under these Parts such as 40 C.F.R. § 60.482-4(c), or 40 C.F.R. § 63.165(c)). In each such case, identify the process unit or equipment that is/are the “affected facility” under the applicable Part and the specific Subpart that applies to the “affected facility.”





## **ENCLOSURE C**

This is to be signed and dated by a duly authorized official of BP Amoco Chemicals.

### **STATEMENT OF CERTIFICATION**

I hereby certify that the foregoing responses and information provided to the EPA in response to its Clean Air Act, Section 114, Information Request were prepared under my direction or supervision and that I have personal knowledge of all matters set forth in the responses and the accompanying information or that I consulted with individuals having personal knowledge (note, please identify such individuals). I certify that the responses are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

---

Signature and Date

---

Printed Name and Title





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

MAR 29 2013

UNITED PARCEL SERVICES

Ms. Michelle S. Haney  
Environmental Manager  
Arkema Inc. - *Flares*  
13755 Hwy. 43 North  
Axis, Alabama 36505-0099

*01-097-05017*

*Flares*  
*112*

Dear Ms. Haney:

The United States Environmental Protection Agency Region 4 hereby requires Arkema Inc. to provide information regarding its Axis, Alabama facility. The agency requires this information in order to complete its compliance evaluation that started during the September 11, 2012, inspection.

Therefore, pursuant to Section 114(a) of the Clean Air Act (the Act), 42 U.S.C. Section 7414(a), as amended, you are hereby required to respond to the Information Request enclosed herein as Enclosure B. The response to the information requested must be accompanied by the enclosed Statement of Certification (Enclosure C), which is to be signed by a responsible official of Arkema Inc. Submit your response within **thirty (30)** days of receipt of this letter to the following:

Air and EPCRA Enforcement Branch  
U.S. Environmental Protection Agency  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303  
Attn: Sharron Porter

Please be advised that failure to comply with the above requirements within the specified time frame will constitute a violation of Section 114(a) of the Act and may result in the referral of this matter to the U.S. Attorney for the commencement of civil action for injunctive relief and the assessment of civil penalties pursuant to Section 113(b) of the Act.

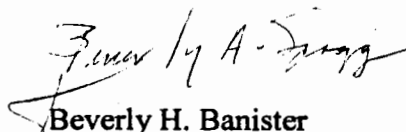
Under 40 C.F.R. Part 2, Subpart B, you may assert a claim of business confidentiality for any portion of the submitted information. You must specify the page, paragraph, and sentence when identifying the information subject to your claim. Enclosure A specifies the assertion and substantiation requirements for business confidentiality claims and notifies you that the EPA intends to disclose information for which a claim of business confidentiality has been asserted to an authorized contractor for technical review, analysis, and evaluation support.

This Information Request is not subject to the approval requirement of the Paperwork Reduction Act of 1980, 44 U.S.C. §3501 et seq.



If you have questions regarding this Information Request, please contact Ms. Sharron Porter at (404) 562-9172.

Sincerely,

A handwritten signature in dark ink, appearing to read "Beverly H. Banister", is written over a horizontal line.

Beverly H. Banister  
Director  
Air, Pesticides and Toxics  
Management Division

Enclosures

cc: Larry Brown  
Alabama Department of Environmental Management  
Air Division  
P.O. Box 301463  
Montgomery, Alabama 36130-1463



## **Enclosure A**

### **Confidential Business Information (CBI)**

You may assert a business confidentiality claim covering all or part of the information you provide in response to this information request for any business information entitled to confidential treatment under Section 114(c) of the Clean Air Act (the Act), 42 U.S.C. § 7414, and 40 C.F.R. Part 2, subpart B. Under Section 114(c) of the Act, you are entitled to confidential treatment of information that would divulge methods or processes entitled to protection as trade secrets. Under 40 C.F.R. Part 2, subpart B, business confidentiality means "the concept of trade secrecy and other related legal concepts which give (or may give) a business the right to preserve the confidentiality of business information and to limit its use or disclosure by others in order that the business may obtain or retain business advantages it derives from its rights in the information." See 40 C.F.R. § 2.201(e).

Information covered by a claim of business confidentiality will be disclosed by EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Act and 40 C.F.R. Part 2, subpart B. The EPA will construe your failure to furnish a business confidentiality claim with your response to this information request as a waiver of that claim, and the information may be made available to the public without further notice to you.

To assert a business confidentiality claim, you must place on, or attach to, all information you desire to assert as business confidential either a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential" at the time you submit your response to this information request. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and may be submitted separately to facilitate identification and handling by EPA. You should indicate if you desire confidential treatment only until a certain date or until the occurrence of a certain event.

The criteria the EPA will use in determining whether material you claim as business confidential is entitled to confidential treatment are set forth at 40 C.F.R. §§ 2.208 and 2.301. These regulations provide, among other things, that you must satisfactorily show that: (1) the information is within the scope of business confidentiality as defined at 40 C.F.R. § 2.201(e), (2) that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, (3) the information is not and has not been reasonably obtainable by legitimate means without your consent, and (4) the disclosure of the information is likely to cause substantial harm to your business's competitive edge. See 40 C.F.R. § 2.208 (a)-(d). Emission data, as defined at 40 C.F.R. § 2.301(a)(2), is expressly not entitled to confidential treatment under 40 C.F.R. Part 2, subpart B. See 42 U.S.C. § 7414(c); 40 C.F.R. § 2.301(e).

If you assert a claim of business confidentiality in connection with information and documents forwarded in response to this request for information, in accordance with 40 C.F.R. § 2.204(e)(4), EPA is requesting that you answer the following questions with respect to any information or document for which you assert a claim of business confidentiality:





1. What specific portions of the information are alleged to be entitled to confidential treatment? Specify by page, paragraph, and sentence when identifying the information subject to your claim.
2. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, specify that event. Additionally, explain why the information should be protected for the time period you've specified.
3. What measures have you taken to protect the information claimed as confidential from undesired disclosure? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity whether disclosure of the information is likely to result in substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
7. Is there any other explanation you deem relevant to the Agency's determination of your business confidentiality claim that is not covered in the preceding questions? If so, you may provide such additional explanation.

You must furnish comments to the above questions concurrent with your response to this information request if you have claimed any information as business confidential. See 40 C.F.R. § 2.204(e)(2). Pursuant to 40 C.F.R. § 2.205(b)(2), you may request an extension of this deadline. The EPA will construe your failure to furnish timely comments as a waiver of your confidentiality claim, consistent with 40 C.F.R. § 2.204(e)(1). Please submit your comments to:



Air and EPCRA Enforcement Branch  
U.S. Environmental Protection Agency  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303  
Attn: Sharron Porter

Pursuant to 40 C.F.R. § 2.205(c), you are hereby advised that information you submit as part of your comments may be regarded by the EPA as entitled to confidential treatment if, when it is received by the Agency, it is marked in accordance with 40 C.F.R. § 2.203(b). As required by 40 C.F.R. § 2.204(e)(6), you may assert a business confidentiality claim covering all or part of your response to these questions, as provided in 40 C.F.R. § 2.203(b). Information covered by such a claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Clean Air Act (the Act) and 40 C.F.R. Part 2. The EPA will construe the failure to furnish a confidentiality claim with your comments as a waiver of that claim, and the information may be made available to the public without further notice to you.

Pursuant to 40 C.F.R. §2.301(h)(2)(iii), you are further advised that to assist in its review and analysis of the submitted information, the EPA intends to share this information with an EPA contractor. Pursuant to 40 C.F.R. §2.301(h), the EPA possesses the authority to disclose information otherwise entitled to confidential treatment to any authorized representative of the United States approved to receive and review information subject to a business confidentiality claim. Pursuant to 40 C.F.R. §2.301(h)(2)(iii), the EPA is notifying you that the Agency intends to disclose information for which you may assert a business confidentiality claim to the Eastern Research Group, Inc. (ERG) under contract number EP-W-11-004, to provide EPA with technical review, analysis, and evaluation support. You may submit comments to the EPA with your response to this Request to Provide Information Pursuant to the Clean Air Act or within five (5) working days of your response. Please submit your comments to the above EPA Staff member.



## **Enclosure B**

### **Request to Provide Information**

In accordance with the foregoing Request to Provide Information Pursuant to the Clean Air Act, Arkema, Inc. must provide the following information within thirty (30) days of its receipt of this request. The EPA requests that the requested non-narrative information be provided in spreadsheet format, preferably in Excel.

#### **Definitions**

“Flare” is broadly defined as any open combustion unit (i.e., lacking an enclosed combustion chamber) whose combustion air is provided by uncontrolled ambient air around the flame, and that is used as a control or safety device. A flare may be equipped with a radiant heat shield (with or without a refractory lining), but is not equipped with a flame air control damping system to control the air/fuel mixture. In addition, a flare may also use auxiliary fuel. The combustion flame may be elevated or at ground level.

“Pilot Gas” means gas injected at a flare tip to maintain a flame.

“Purge Gas” or “Sweep Gas” means all gas introduced prior to the Flare tip to protect against oxygen buildup in the Flare header and/or to maintain a constant flow of gas through the flare and out the tip.

“Supplemental Gas” means all gas introduced to raise the heating value of Waste Gas.

“Vent Gas” means all gases found just prior to the flare tip. This gas includes all Waste Gas, Purge Gas, Supplemental Gas, nitrogen and hydrogen, but does not include Pilot Gas or steam.

“Waste Gas” means all gases routed to a flare for combustion, excluding Purge Gas, Supplemental Gas, Pilot Gas, and steam.

1. For each day beginning on January 1, 2006, through March 31, 2013, list the periods of time (date, start time, and end time) that Waste Gas, Purge Gas, and/or Supplemental Gas was routed to each flare at the Axis, Alabama facility (i.e., “venting periods”). This request and all requests below seek information regarding all facility devices meeting the definition of flare. Provide all information by individual flare identification number/name.
2. For each venting period listed in response to paragraph 1 above, provide the average heating value, in British Thermal Units per standard cubic foot (BTU/scf), of the stream that was vented to each facility flare. The averaging time shall not be greater than one hour. If the heating value is not measured, you shall use the best means available to estimate it. Provide a narrative explanation and example calculations describing how you arrived at your response.
3. For each venting period listed in response to paragraph 1 above, provide the average mass flow rate of the Vent Gas, in pounds per hour (lb/hr), that was vented to each facility flare. The



averaging time shall be no more than one hour. If the mass flow rate is not measured, you shall use the best means available to estimate it. Provide a narrative explanation and example calculations describing how you arrived at your response.

4. For each venting period listed in response to paragraph 1 above, provide the average rate at which steam and/or air was being added to each facility flare, in lb/hr for steam and/or standard cubic feet per hour (scf/hr) for air, at all locations on the flare (i.e., the sum of seal, upper, lower, winterizing, etc.) during each venting period. The averaging time shall not be greater than one hour. If the steam and/or air flow is not measured, you shall use the best means available to estimate it. Provide a narrative explanation and example calculations, if appropriate, describing how you arrived at your response.
5. For each venting period listed in response to paragraph 1 above, provide the average steam-to-Vent Gas or air-to-Vent Gas ratio (pound of steam per pound of Vent Gas or standard cubic feet of air per pound of Vent Gas) during any release to each facility flare. The averaging time shall be no more than one hour. Provide a narrative explanation and example calculations, if appropriate, describing how you arrived at your response.
6. Provide a one-hour average of the concentration of each constituent in the Vent Gas during venting periods for the dates beginning one month prior to your receipt of this request, until the date of your receipt of this request.
7. Provide a list of the primary constituents in the Vent Gas routed to each flare for venting periods since January 1, 2006, and an estimated range of each constituent's concentration. Except for the period specified in paragraph 6, you need not determine the exact concentration of all compounds for each period of time, but only the most prominent compounds and an approximate range of concentration.
8. For each facility flare, provide the minimum steam or air addition rate, in lb/hr for steam and/or scf/hr for air, at all locations on the flare (seal, upper and lower). To the extent that the minimum steam or air addition rate changes on a seasonal basis, state the minimum rate for each season and the time periods during which each season's minimum rate applies.
9. Provide copies of any and all documents in your possession, custody, or control that prescribe or recommend the amount of steam or air to be added to each facility flare. Provide a copy of the entire document if, within the document, it states the maximum steam or air rate, minimum steam or air rate, steam or air addition rate associated with a vent scenario, general steam-to-vent gas or air-to-organic gas/vent gas ratio, or any other reference to steam addition.
10. For each facility flare, state with specificity which, if any, federal and/or state regulations regulate/apply to each flare. If any facility flare is listed in a permit issued under federal and/or state regulations, provide an electronic copy, preferably in "PDF", of each currently effective permit.





11. For each facility flare, state whether the flare is configured to receive gases/vapors from one or more pressure relief device(s), which is a safety device used to prevent operating pressures from exceeding the maximum allowable working pressure of the process equipment.
12. For each facility flare, state whether the flare and its associated closed vent system is used as the method of compliance with any federal regulation, including without limitation, the Standards of Performance for New Stationary Sources found at 40 C.F.R. Part 60, the National Emission Standards for Hazardous Air Pollutants found at 40 C.F.R. Part 61, and the National Emission Standards for Hazardous Air Pollutants for Source Categories found at 40 C.F.R. Part 63, (specifically including without limitation any leak detection and repair (LDAR) provisions promulgated under these Parts such as 40 C.F.R. § 60.482-4(c), or 40 C.F.R. § 63.165(c)). In each such case, identify the process unit or equipment that is/are the "affected facility" under the applicable Part and the specific Subpart that applies to the "affected facility."



## **ENCLOSURE C**

This is to be signed and dated by a duly authorized official of Arkema, Inc.

### **STATEMENT OF CERTIFICATION**

I hereby certify that the foregoing responses and information provided to the EPA in response to its Clean Air Act, Section 114, Information Request were prepared under my direction or supervision and that I have personal knowledge of all matters set forth in the responses and the accompanying information or that I consulted with individuals having personal knowledge (note, please identify such individuals). I certify that the responses are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

---

Signature and Date

---

Printed Name and Title





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

ATLANTA FEDERAL CENTER

61 FORSYTH STREET

ATLANTA, GEORGIA 30303-8960

MAR 29 2013

UNITED PARCEL SERVICES

Mr. Thomas G. Eubank  
Safety, Health & Environmental Manager  
Lucite International, Inc.  
2665 Fite Road  
Memphis, Tennessee 38127

47-157-00475  
Flare  
112

Dear Mr. Eubank:

The United States Environmental Protection Agency Region 4 hereby requires Lucite International, Inc. to provide information regarding its Memphis, Tennessee facility. The agency requires this information in order to complete its compliance evaluation that started during the November 8, 2011, inspection.

Therefore, pursuant to Section 114(a) of the Clean Air Act (the Act), 42 U.S.C. Section 7414(a), as amended, you are hereby required to respond to the Information Request enclosed herein as Enclosure B. The response to the information requested must be accompanied by the enclosed Statement of Certification (Enclosure C), which is to be signed by a responsible official of Lucite International, Inc. Submit your response within **thirty (30)** days of receipt of this letter to the following:

Air and EPCRA Enforcement Branch  
U.S. Environmental Protection Agency  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303  
Attn: Sharron Porter

Please be advised that failure to comply with the above requirements within the specified time frame will constitute a violation of Section 114(a) of the Act and may result in the referral of this matter to the U.S. Attorney for the commencement of civil action for injunctive relief and the assessment of civil penalties pursuant to Section 113(b) of the Act.

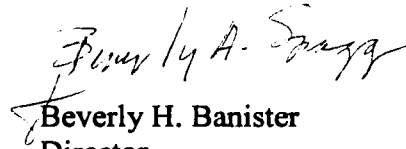
Under 40 C.F.R. Part 2, Subpart B, you may assert a claim of business confidentiality for any portion of the submitted information. You must specify the page, paragraph, and sentence when identifying the information subject to your claim. Enclosure A specifies the assertion and substantiation requirements for business confidentiality claims and notifies you that the EPA intends to disclose information for which a claim of business confidentiality has been asserted to an authorized contractor for technical review, analysis, and evaluation support.

This Information Request is not subject to the approval requirement of the Paperwork Reduction Act of 1980, 44 U.S.C. §3501 et seq.



If you have questions regarding this Information Request, please contact Ms. Sharron Porter at (404) 562-9172.

Sincerely,

A handwritten signature in cursive script, appearing to read "Beverly H. Banister".

Beverly H. Banister  
Director  
Air, Pesticides and Toxics  
Management Division

Enclosures

cc: Robert Rogers, P. E. (w/enclosures)  
Technical Manager  
Pollution Control Section  
814 Jefferson Avenue  
Memphis, Tennessee 38105





## **Enclosure A**

### **Confidential Business Information (CBI)**

You may assert a business confidentiality claim covering all or part of the information you provide in response to this information request for any business information entitled to confidential treatment under Section 114(c) of the Clean Air Act (the Act), 42 U.S.C. § 7414, and 40 C.F.R. Part 2, subpart B. Under Section 114(c) of the Act, you are entitled to confidential treatment of information that would divulge methods or processes entitled to protection as trade secrets. Under 40 C.F.R. Part 2, subpart B, business confidentiality means "the concept of trade secrecy and other related legal concepts which give (or may give) a business the right to preserve the confidentiality of business information and to limit its use or disclosure by others in order that the business may obtain or retain business advantages it derives from its rights in the information." See 40 C.F.R. § 2.201(e).

Information covered by a claim of business confidentiality will be disclosed by EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Act and 40 C.F.R. Part 2, subpart B. The EPA will construe your failure to furnish a business confidentiality claim with your response to this information request as a waiver of that claim, and the information may be made available to the public without further notice to you.

To assert a business confidentiality claim, you must place on, or attach to, all information you desire to assert as business confidential either a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential" at the time you submit your response to this information request. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and may be submitted separately to facilitate identification and handling by EPA. You should indicate if you desire confidential treatment only until a certain date or until the occurrence of a certain event.

The criteria the EPA will use in determining whether material you claim as business confidential is entitled to confidential treatment are set forth at 40 C.F.R. §§ 2.208 and 2.301. These regulations provide, among other things, that you must satisfactorily show that: (1) the information is within the scope of business confidentiality as defined at 40 C.F.R. § 2.201(e), (2) that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, (3) the information is not and has not been reasonably obtainable by legitimate means without your consent, and (4) the disclosure of the information is likely to cause substantial harm to your business's competitive edge. See 40 C.F.R. § 2.208 (a)-(d). Emission data, as defined at 40 C.F.R. § 2.301(a)(2), is expressly not entitled to confidential treatment under 40 C.F.R. Part 2, subpart B. See 42 U.S.C. § 7414(c); 40 C.F.R. § 2.301(e).

If you assert a claim of business confidentiality in connection with information and documents forwarded in response to this request for information, in accordance with 40 C.F.R. § 2.204(e)(4), EPA is requesting that you answer the following questions with respect to any information or document for which you assert a claim of business confidentiality:



1. What specific portions of the information are alleged to be entitled to confidential treatment? Specify by page, paragraph, and sentence when identifying the information subject to your claim.
2. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, specify that event. Additionally, explain why the information should be protected for the time period you've specified.
3. What measures have you taken to protect the information claimed as confidential from undesired disclosure? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity whether disclosure of the information is likely to result in substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
7. Is there any other explanation you deem relevant to the Agency's determination of your business confidentiality claim that is not covered in the preceding questions? If so, you may provide such additional explanation.

You must furnish comments to the above questions concurrent with your response to this information request if you have claimed any information as business confidential. See 40 C.F.R. § 2.204(e)(2). Pursuant to 40 C.F.R. § 2.205(b)(2), you may request an extension of this deadline. The EPA will construe your failure to furnish timely comments as a waiver of your confidentiality claim, consistent with 40 C.F.R. § 2.204(e)(1). Please submit your comments to:



Air and EPCRA Enforcement Branch  
U.S. Environmental Protection Agency  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303  
Attn: Sharron Porter

Pursuant to 40 C.F.R. § 2.205(c), you are hereby advised that information you submit as part of your comments may be regarded by the EPA as entitled to confidential treatment if, when it is received by the Agency, it is marked in accordance with 40 C.F.R. § 2.203(b). As required by 40 C.F.R. § 2.204(e)(6), you may assert a business confidentiality claim covering all or part of your response to these questions, as provided in 40 C.F.R. § 2.203(b). Information covered by such a claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Clean Air Act (the Act) and 40 C.F.R. Part 2. The EPA will construe the failure to furnish a confidentiality claim with your comments as a waiver of that claim, and the information may be made available to the public without further notice to you.

Pursuant to 40 C.F.R. §2.301(h)(2)(iii), you are further advised that to assist in its review and analysis of the submitted information, the EPA intends to share this information with an EPA contractor. Pursuant to 40 C.F.R. §2.301(h), the EPA possesses the authority to disclose information otherwise entitled to confidential treatment to any authorized representative of the United States approved to receive and review information subject to a business confidentiality claim. Pursuant to 40 C.F.R. §2.301(h)(2)(iii), the EPA is notifying you that the Agency intends to disclose information for which you may assert a business confidentiality claim to the Eastern Research Group, Inc. (ERG) under contract number EP-W-11-004, to provide EPA with technical review, analysis, and evaluation support. You may submit comments to the EPA with your response to this Request to Provide Information Pursuant to the Clean Air Act or within five (5) working days of your response. Please submit your comments to the above EPA Staff member.



## **Enclosure B**

### **Request to Provide Information**

In accordance with the foregoing Request to Provide Information Pursuant to the Clean Air Act, Lucite International, Inc. must provide the following information within thirty (30) days of its receipt of this request. The EPA requests that the requested non-narrative information be provided in spreadsheet format, preferably in Excel.

#### **Definitions**

“Flare” is broadly defined as any open combustion unit (i.e., lacking an enclosed combustion chamber) whose combustion air is provided by uncontrolled ambient air around the flame, and that is used as a control or safety device. A flare may be equipped with a radiant heat shield (with or without a refractory lining), but is not equipped with a flame air control damping system to control the air/fuel mixture. In addition, a flare may also use auxiliary fuel. The combustion flame may be elevated or at ground level.

“Pilot Gas” means gas injected at a flare tip to maintain a flame.

“Purge Gas” or “Sweep Gas” means all gas introduced prior to the Flare tip to protect against oxygen buildup in the Flare header and/or to maintain a constant flow of gas through the flare and out the tip.

“Supplemental Gas” means all gas introduced to raise the heating value of Waste Gas.

“Vent Gas” means all gases found just prior to the flare tip. This gas includes all Waste Gas, Purge Gas, Supplemental Gas, nitrogen and hydrogen, but does not include Pilot Gas or steam.

“Waste Gas” means all gases routed to a flare for combustion, excluding Purge Gas, Supplemental Gas, Pilot Gas, and steam.

1. For each day beginning on January 1, 2006, through March 31, 2013, list the periods of time (date, start time, and end time) that Waste Gas, Purge Gas, and/or Supplemental Gas was routed to each flare at the Memphis, Tennessee facility (i.e., “venting periods”). This request and all requests below seek information regarding all facility devices meeting the definition of flare. Provide all information by individual flare identification number/name.
2. For each venting period listed in response to paragraph 1 above, provide the average heating value, in British Thermal Units per standard cubic foot (BTU/scf), of the stream that was vented to each facility flare. The averaging time shall not be greater than one hour. If the heating value is not measured, you shall use the best means available to estimate it. Provide a narrative explanation and example calculations describing how you arrived at your response.
3. For each venting period listed in response to paragraph 1 above, provide the average mass flow rate of the Vent Gas, in pounds per hour (lb/hr), that was vented to each facility flare. The





averaging time shall be no more than one hour. If the mass flow rate is not measured, you shall use the best means available to estimate it. Provide a narrative explanation and example calculations describing how you arrived at your response.

4. For each venting period listed in response to paragraph 1 above, provide the average rate at which steam and/or air was being added to each facility flare, in lb/hr for steam and/or standard cubic feet per hour (scf/hr) for air, at all locations on the flare (i.e., the sum of seal, upper, lower, winterizing, etc.) during each venting period. The averaging time shall not be greater than one hour. If the steam and/or air flow is not measured, you shall use the best means available to estimate it. Provide a narrative explanation and example calculations, if appropriate, describing how you arrived at your response.
5. For each venting period listed in response to paragraph 1 above, provide the average steam-to-Vent Gas or air-to-Vent Gas ratio (pound of steam per pound of Vent Gas or standard cubic feet of air per pound of Vent Gas) during any release to each facility flare. The averaging time shall be no more than one hour. Provide a narrative explanation and example calculations, if appropriate, describing how you arrived at your response.
6. Provide a one-hour average of the concentration of each constituent in the Vent Gas during venting periods for the dates beginning one month prior to your receipt of this request, until the date of your receipt of this request.
7. Provide a list of the primary constituents in the Vent Gas routed to each flare for venting periods since January 1, 2006, and an estimated range of each constituent's concentration. Except for the period specified in paragraph 6, you need not determine the exact concentration of all compounds for each period of time, but only the most prominent compounds and an approximate range of concentration.
8. For each facility flare, provide the minimum steam or air addition rate, in lb/hr for steam and/or scf/hr for air, at all locations on the flare (seal, upper and lower). To the extent that the minimum steam or air addition rate changes on a seasonal basis, state the minimum rate for each season and the time periods during which each season's minimum rate applies.
9. Provide copies of any and all documents in your possession, custody, or control that prescribe or recommend the amount of steam or air to be added to each facility flare. Provide a copy of the entire document if, within the document, it states the maximum steam or air rate, minimum steam or air rate, steam or air addition rate associated with a vent scenario, general steam-to-vent gas or air-to-organic gas/vent gas ratio, or any other reference to steam addition.
10. For each facility flare, state with specificity which, if any, federal and/or state regulations regulate/apply to each flare. If any facility flare is listed in a permit issued under federal and/or state regulations, provide an electronic copy, preferably in "PDF", of each currently effective permit.



11. For each facility flare, state whether the flare is configured to receive gases/vapors from one or more pressure relief device(s), which is a safety device used to prevent operating pressures from exceeding the maximum allowable working pressure of the process equipment.
12. For each facility flare, state whether the flare and its associated closed vent system is used as the method of compliance with any federal regulation, including without limitation, the Standards of Performance for New Stationary Sources found at 40 C.F.R. Part 60, the National Emission Standards for Hazardous Air Pollutants found at 40 C.F.R. Part 61, and the National Emission Standards for Hazardous Air Pollutants for Source Categories found at 40 C.F.R. Part 63, (specifically including without limitation any leak detection and repair (LDAR) provisions promulgated under these Parts such as 40 C.F.R. § 60.482-4(c), or 40 C.F.R. § 63.165(c)). In each such case, identify the process unit or equipment that is/are the "affected facility" under the applicable Part and the specific Subpart that applies to the "affected facility."



## **ENCLOSURE C**

This is to be signed and dated by a duly authorized official of Lucite International, Inc.

### **STATEMENT OF CERTIFICATION**

I hereby certify that the foregoing responses and information provided to the EPA in response to its Clean Air Act, Section 114, Information Request were prepared under my direction or supervision and that I have personal knowledge of all matters set forth in the responses and the accompanying information or that I consulted with individuals having personal knowledge (note, please identify such individuals). I certify that the responses are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

---

Signature and Date

---

Printed Name and Title





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

MAR 29 2013

UNITED PARCEL SERVICES

Mr. Steve Brewer  
Manager Environmental Engineering  
Valero Memphis Refinery - Flares  
2385 Riverport Road  
Memphis, Tennessee 38109

*preyca*

47-157-00101  
Flares  
112

Dear Mr. Brewer:

The United States Environmental Protection Agency Region 4 hereby requires Valero Memphis Refinery to provide information regarding its Memphis, Tennessee facility. The agency requires this information in order to complete its compliance evaluation that started during the November 9, 2011, inspection.

Therefore, pursuant to Section 114(a) of the Clean Air Act (the Act), 42 U.S.C. Section 7414(a), as amended, you are hereby required to respond to the Information Request enclosed herein as Enclosure B. The response to the information requested must be accompanied by the enclosed Statement of Certification (Enclosure C), which is to be signed by a responsible official of Valero Memphis Refinery. Submit your response within **thirty (30) days** of receipt of this letter to the following:

Air and EPCRA Enforcement Branch  
U.S. Environmental Protection Agency  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303  
Attn: Sharron Porter

Please be advised that failure to comply with the above requirements within the specified time frame will constitute a violation of Section 114(a) of the Act and may result in the referral of this matter to the U.S. Attorney for the commencement of civil action for injunctive relief and the assessment of civil penalties pursuant to Section 113(b) of the Act.

Under 40 C.F.R. Part 2, Subpart B, you may assert a claim of business confidentiality for any portion of the submitted information. You must specify the page, paragraph, and sentence when identifying the information subject to your claim. Enclosure A specifies the assertion and substantiation requirements for business confidentiality claims and notifies you that the EPA intends to disclose information for which a claim of business confidentiality has been asserted to an authorized contractor for technical review, analysis, and evaluation support.

This Information Request is not subject to the approval requirement of the Paperwork Reduction Act of 1980, 44 U.S.C. §3501 et seq.

Internet Address (URL) • <http://www.epa.gov>

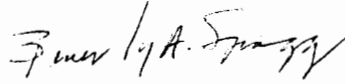
Recycled/Recyclable • Printed with Vegetable Oil Based Inks on Recycled Paper (Minimum 30% Postconsumer)





If you have questions regarding this Information Request, please contact Ms. Sharron Porter at (404) 562-9172.

Sincerely,



Beverly H. Banister  
Director  
Air, Pesticides and Toxics  
Management Division

**Enclosures**

cc: Robert Rogers, P. E. (w/enclosures)  
Technical Manager  
Pollution Control Section  
814 Jefferson Avenue  
Memphis, Tennessee 38105



## **Enclosure A**

### **Confidential Business Information (CBI)**

You may assert a business confidentiality claim covering all or part of the information you provide in response to this information request for any business information entitled to confidential treatment under Section 114(c) of the Clean Air Act (the Act), 42 U.S.C. § 7414, and 40 C.F.R. Part 2, subpart B. Under Section 114(c) of the Act, you are entitled to confidential treatment of information that would divulge methods or processes entitled to protection as trade secrets. Under 40 C.F.R. Part 2, subpart B, business confidentiality means "the concept of trade secrecy and other related legal concepts which give (or may give) a business the right to preserve the confidentiality of business information and to limit its use or disclosure by others in order that the business may obtain or retain business advantages it derives from its rights in the information." See 40 C.F.R. § 2.201(e).

Information covered by a claim of business confidentiality will be disclosed by EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Act and 40 C.F.R. Part 2, subpart B. The EPA will construe your failure to furnish a business confidentiality claim with your response to this information request as a waiver of that claim, and the information may be made available to the public without further notice to you.

To assert a business confidentiality claim, you must place on, or attach to, all information you desire to assert as business confidential either a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential" at the time you submit your response to this information request. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and may be submitted separately to facilitate identification and handling by EPA. You should indicate if you desire confidential treatment only until a certain date or until the occurrence of a certain event.

The criteria the EPA will use in determining whether material you claim as business confidential is entitled to confidential treatment are set forth at 40 C.F.R. §§ 2.208 and 2.301. These regulations provide, among other things, that you must satisfactorily show that: (1) the information is within the scope of business confidentiality as defined at 40 C.F.R. § 2.201(e), (2) that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, (3) the information is not and has not been reasonably obtainable by legitimate means without your consent, and (4) the disclosure of the information is likely to cause substantial harm to your business's competitive edge. See 40 C.F.R. § 2.208 (a)-(d). Emission data, as defined at 40 C.F.R. § 2.301(a)(2), is expressly not entitled to confidential treatment under 40 C.F.R. Part 2, subpart B. See 42 U.S.C. § 7414(c); 40 C.F.R. § 2.301(e).

If you assert a claim of business confidentiality in connection with information and documents forwarded in response to this request for information, in accordance with 40 C.F.R. § 2.204(e)(4), EPA is requesting that you answer the following questions with respect to any information or document for which you assert a claim of business confidentiality:



1. What specific portions of the information are alleged to be entitled to confidential treatment? Specify by page, paragraph, and sentence when identifying the information subject to your claim.
2. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, specify that event. Additionally, explain why the information should be protected for the time period you've specified.
3. What measures have you taken to protect the information claimed as confidential from undesired disclosure? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity whether disclosure of the information is likely to result in substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
7. Is there any other explanation you deem relevant to the Agency's determination of your business confidentiality claim that is not covered in the preceding questions? If so, you may provide such additional explanation.

You must furnish comments to the above questions concurrent with your response to this information request if you have claimed any information as business confidential. See 40 C.F.R. § 2.204(e)(2). Pursuant to 40 C.F.R. § 2.205(b)(2), you may request an extension of this deadline. The EPA will construe your failure to furnish timely comments as a waiver of your confidentiality claim, consistent with 40 C.F.R. § 2.204(e)(1). Please submit your comments to:



Air and EPCRA Enforcement Branch  
U.S. Environmental Protection Agency  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303  
Attn: Sharron Porter

Pursuant to 40 C.F.R. § 2.205(c), you are hereby advised that information you submit as part of your comments may be regarded by the EPA as entitled to confidential treatment if, when it is received by the Agency, it is marked in accordance with 40 C.F.R. § 2.203(b). As required by 40 C.F.R. § 2.204(e)(6), you may assert a business confidentiality claim covering all or part of your response to these questions, as provided in 40 C.F.R. § 2.203(b). Information covered by such a claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Clean Air Act (the Act) and 40 C.F.R. Part 2. The EPA will construe the failure to furnish a confidentiality claim with your comments as a waiver of that claim, and the information may be made available to the public without further notice to you.

Pursuant to 40 C.F.R. §2.301(h)(2)(iii), you are further advised that to assist in its review and analysis of the submitted information, the EPA intends to share this information with an EPA contractor. Pursuant to 40 C.F.R. §2.301(h), the EPA possesses the authority to disclose information otherwise entitled to confidential treatment to any authorized representative of the United States approved to receive and review information subject to a business confidentiality claim. Pursuant to 40 C.F.R. §2.301(h)(2)(iii), the EPA is notifying you that the Agency intends to disclose information for which you may assert a business confidentiality claim to the Eastern Research Group, Inc. (ERG) under contract number EP-W-11-004, to provide EPA with technical review, analysis, and evaluation support. You may submit comments to the EPA with your response to this Request to Provide Information Pursuant to the Clean Air Act or within five (5) working days of your response. Please submit your comments to the above EPA Staff member.





## **Enclosure B**

### **Request to Provide Information**

In accordance with the foregoing Request to Provide Information Pursuant to the Clean Air Act, Valero Memphis Refinery must provide the following information within thirty (30) days of its receipt of this request. The EPA requests that the requested non-narrative information be provided in spreadsheet format, preferably in Excel.

#### **Definitions**

“Flare” is broadly defined as any open combustion unit (i.e., lacking an enclosed combustion chamber) whose combustion air is provided by uncontrolled ambient air around the flame, and that is used as a control or safety device. A flare may be equipped with a radiant heat shield (with or without a refractory lining), but is not equipped with a flame air control damping system to control the air/fuel mixture. In addition, a flare may also use auxiliary fuel. The combustion flame may be elevated or at ground level.

“Pilot Gas” means gas injected at a flare tip to maintain a flame.

“Purge Gas” or “Sweep Gas” means all gas introduced prior to the Flare tip to protect against oxygen buildup in the Flare header and/or to maintain a constant flow of gas through the flare and out the tip.

“Supplemental Gas” means all gas introduced to raise the heating value of Waste Gas.

“Vent Gas” means all gases found just prior to the flare tip. This gas includes all Waste Gas, Purge Gas, Supplemental Gas, nitrogen and hydrogen, but does not include Pilot Gas or steam.

“Waste Gas” means all gases routed to a flare for combustion, excluding Purge Gas, Supplemental Gas, Pilot Gas, and steam.

1. For each day beginning on January 1, 2006, through March 31, 2013, list the periods of time (date, start time, and end time) that Waste Gas, Purge Gas, and/or Supplemental Gas was routed to each flare at the Memphis, Tennessee facility (i.e., “venting periods”). This request and all requests below seek information regarding all facility devices meeting the definition of flare. Provide all information by individual flare identification number/name.
2. For each venting period listed in response to paragraph 1 above, provide the average heating value, in British Thermal Units per standard cubic foot (BTU/scf), of the stream that was vented to each facility flare. The averaging time shall not be greater than one hour. If the heating value is not measured, you shall use the best means available to estimate it. Provide a narrative explanation and example calculations describing how you arrived at your response.
3. For each venting period listed in response to paragraph 1 above, provide the average mass flow rate of the Vent Gas, in pounds per hour (lb/hr), that was vented to each facility flare. The



averaging time shall be no more than one hour. If the mass flow rate is not measured, you shall use the best means available to estimate it. Provide a narrative explanation and example calculations describing how you arrived at your response.

4. For each venting period listed in response to paragraph 1 above, provide the average rate at which steam and/or air was being added to each facility flare, in lb/hr for steam and/or standard cubic feet per hour (scf/hr) for air, at all locations on the flare (i.e., the sum of seal, upper, lower, winterizing, etc.) during each venting period. The averaging time shall not be greater than one hour. If the steam and/or air flow is not measured, you shall use the best means available to estimate it. Provide a narrative explanation and example calculations, if appropriate, describing how you arrived at your response.
5. For each venting period listed in response to paragraph 1 above, provide the average steam-to-Vent Gas or air-to-Vent Gas ratio (pound of steam per pound of Vent Gas or standard cubic feet of air per pound of Vent Gas) during any release to each facility flare. The averaging time shall be no more than one hour. Provide a narrative explanation and example calculations, if appropriate, describing how you arrived at your response.
6. Provide a one-hour average of the concentration of each constituent in the Vent Gas during venting periods for the dates beginning one month prior to your receipt of this request, until the date of your receipt of this request.
7. Provide a list of the primary constituents in the Vent Gas routed to each flare for venting periods since January 1, 2006, and an estimated range of each constituent's concentration. Except for the period specified in paragraph 6, you need not determine the exact concentration of all compounds for each period of time, but only the most prominent compounds and an approximate range of concentration.
8. For each facility flare, provide the minimum steam or air addition rate, in lb/hr for steam and/or scf/hr for air, at all locations on the flare (seal, upper and lower). To the extent that the minimum steam or air addition rate changes on a seasonal basis, state the minimum rate for each season and the time periods during which each season's minimum rate applies.
9. Provide copies of any and all documents in your possession, custody, or control that prescribe or recommend the amount of steam or air to be added to each facility flare. Provide a copy of the entire document if, within the document, it states the maximum steam or air rate, minimum steam or air rate, steam or air addition rate associated with a vent scenario, general steam-to-vent gas or air-to-organic gas/vent gas ratio, or any other reference to steam addition.
10. For each facility flare, state with specificity which, if any, federal and/or state regulations regulate/apply to each flare. If any facility flare is listed in a permit issued under federal and/or state regulations, provide an electronic copy, preferably in "PDF", of each currently effective permit.



11. For each facility flare, state whether the flare is configured to receive gases/vapors from one or more pressure relief device(s), which is a safety device used to prevent operating pressures from exceeding the maximum allowable working pressure of the process equipment.
12. For each facility flare, state whether the flare and its associated closed vent system is used as the method of compliance with any federal regulation, including without limitation, the Standards of Performance for New Stationary Sources found at 40 C.F.R. Part 60, the National Emission Standards for Hazardous Air Pollutants found at 40 C.F.R. Part 61, and the National Emission Standards for Hazardous Air Pollutants for Source Categories found at 40 C.F.R. Part 63, (specifically including without limitation any leak detection and repair (LDAR) provisions promulgated under these Parts such as 40 C.F.R. § 60.482-4(c), or 40 C.F.R. § 63.165(c)). In each such case, identify the process unit or equipment that is/are the "affected facility" under the applicable Part and the specific Subpart that applies to the "affected facility."



## **ENCLOSURE C**

This is to be signed and dated by a duly authorized official of Valero Memphis Refinery.

### **STATEMENT OF CERTIFICATION**

I hereby certify that the foregoing responses and information provided to the EPA in response to its Clean Air Act, Section 114, Information Request were prepared under my direction or supervision and that I have personal knowledge of all matters set forth in the responses and the accompanying information or that I consulted with individuals having personal knowledge (note, please identify such individuals). I certify that the responses are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

---

Signature and Date

---

Printed Name and Title







UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

APR 05 2013

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Mr. Timothy McIlwain  
Vice President - Manufacturing  
Georgia-Pacific Cellulose  
Alabama River Cellulose, LLC  
P.O. Box 40  
Perdue Hill, Alabama 36470

Dear Mr. McIlwain:

The purpose of this letter is to request information as part of a U.S. Environmental Protection Agency investigation to determine the compliance status of the Georgia-Pacific Cellulose, Alabama River Cellulose facility located in Perdue Hill, Alabama, with the Clean Air Act (CAA), 42 U.S.C. § 7401, et seq.

Section 114(a) of the CAA, 42 U.S.C. § 7414(a), authorizes the Administrator of the EPA to require any person who owns or operates an emission source whom the Administrator believes may have information necessary for the purposes of Section 114(a) or who is subject to any requirement of the CAA to provide such information as the Administrator may reasonably require for the purpose of carrying out any provision of the CAA. This authority has been duly delegated to the Director of the Air, Pesticides, and Toxics Management Division, Region 4.

Within **forty-five (45)** days of your receipt of this letter, please provide the information requested in the enclosure. Your response to this request for information should be mailed to:

Stephen Rieck  
Air and EPCRA Enforcement Branch  
Air, Pesticides & Toxics Management Division  
U.S. EPA, Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303

You are entitled to assert a claim of business confidentiality covering all or part of any required information, except emission data, in the manner described at 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth at 40 C.F.R. Part 2, Subpart B. Unless a confidentiality claim is asserted at the time the required information is provided, the EPA may make this information available to the public without further notice to you. Notwithstanding the above, the information you provide may be used by the EPA in administrative, civil and criminal proceedings. See Enclosure for confidential business information



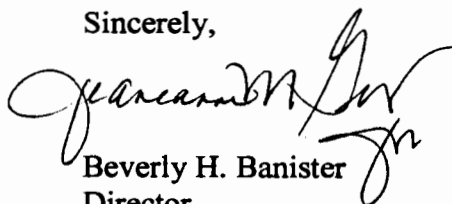
assertion and substantiation requirements. If there is a claim of confidential business information, you will receive a letter from the EPA inviting your comments on seven questions so that the EPA can determine whether such information is entitled to confidential treatment.

Failure to respond fully and truthfully to each question or information request, or to adequately justify such failure to respond, may result in an enforcement action being filed against you pursuant to Section 113 of the CAA, 42 U.S.C. § 7413. This statute permits the EPA to seek the imposition of penalties of up to thirty-seven thousand five hundred dollars (\$37,500) per day of continued non-compliance with this request. Please be further advised that submittal of false, fictitious or fraudulent statements or representations may subject you to criminal penalties under Section 113(c) of the CAA, 42 U.S.C. § 7413(c).

This required submittal of information is not subject to the provisions of the Paperwork Reduction Act of 1995, 44 U.S.C. § 3501 et seq.

If you have any questions relating to this information request, you may consult with the EPA prior to the time specified above. Questions should be directed to Mr. Stephen Rieck at (404) 562-9177 or by email at [rieck.stephen@epa.gov](mailto:rieck.stephen@epa.gov).

Sincerely,



Beverly H. Banister  
Director  
Air, Pesticides and Toxics  
Management Division

Enclosures: Request for Information  
Confidential Business Information  
Assertion and Substantiation  
Requirements  
Statement of Certification

cc: Mr. Ron Gore, Chief  
Air Division  
Alabama Department of Environmental Management (ADEM)



## **REQUEST FOR INFORMATION**

### **INSTRUCTIONS**

1. Please identify the individual(s), including title, responsible for responding to this request.
2. Provide a separate narrative response to each question and subpart of a question set forth in the Information Request.
3. Precede each answer with the number of the question to which it corresponds and at the end of each answer identify the person(s) that provided information that was used or considered in responding to that question, as well as each person that was consulted in the preparation of that response.
4. Indicate on each document produced in response to this Information Request, or in some other reasonable manner, the number of the question to which it corresponds.
5. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
6. Where documents or information necessary for a response are neither in your possession nor available to you, indicate in your response why such documents or information is not available or in your possession and identify any source that either possesses or is likely to possess such information.
7. Requested information can be submitted in electronic form, if applicable.
8. Please provide all tables and spreadsheets in Microsoft Excel format where applicable.



## **INFORMATION REQUEST**

Georgia-Pacific Cellulose, Alabama River Cellulose, LLC (the facility) must submit the following information to the U.S. EPA, Region 4 Office, within 45 days of the date of receipt, unless otherwise stated, pursuant to Section 114 of the Clean Air Act, 42 U.S.C. § 7414:

1. Provide the name and address of the party who should receive official correspondence on behalf of the facility concerning this matter.
2. Provide a map of the facility and the area immediately surrounding the facility identifying all sources of air emissions at the facility.
3. Provide a detailed narrative description of the current processes at the facility from introduction of raw material sequentially through disposition of products, describing each unit which produces air emissions and each air emissions control unit, in relation to the process. In the narrative, describe the function of each unit and describe the chemical or physical process occurring at each stage of the process. Also provide a schematic of the facility, and provide a legend to tie this schematic to the narrative description.
4. Provide up-to-date process flow diagrams of the facility. On the diagrams, using a key for clarity purposes, identify each of the units listed in response to question 2 and question 16. The diagram must include all emissions units, continuous emissions monitors (CEMS), continuous opacity monitoring systems (COMS), and air pollution control devices.
5. Provide copies of any and all authority to construct (ATC) permits and permits to operate (PTO) or any similar permits issued to the facility since January 1, 1990.
6. Provide copies of any and all applications which the facility submitted to ADEM for an ATC, PTO or a Title V permit since January 1, 1990, with the project number assigned by ADEM for such permitting request or action.
7. Indicate the dates of initial construction and start-up of all emission units at the facility, and, where appropriate, indicate the date of modification or permanent shutdown of any of the emission units.
8. Identify all emission decreases utilized to calculate any net emissions increases or decreases as indicated in any of the facility's ATC, PTO or Title V applications from January 1, 1990, to the present. Provide calculations, assumptions, and a description of the methods and documents utilized in calculating these emissions decreases. Provide all documents that show that these decreases are federally enforceable.
9. Provide copies of the excess emission reports and emissions inventory reports pertaining to





operations at the facility, from January 1, 1990, to the present.

10. Provide a list of all enforcement actions taken by any regulatory agency against the facility from January 1, 1990, to the present. Include copies of any administrative or judicial complaints filed against the facility, any notices of violation or notices of non-compliance issued to the facility, any documents resolving violations by the facility such as consent decrees or consent orders, and any orders issued against the facility, such as administrative orders. For each enforcement action identified pursuant to this question, summarize all fees or fines paid by the facility including the amount and date paid and describe any injunctive-type relief performed by the facility.
11. Identify and describe, in a chronologically organized table, all capital expenditures greater than \$100,000 commenced at the facility from January 1, 1990, until the present. This list must contain the approximate date each project commenced, the date each project was completed or implemented, a brief description of the each project, a list of expenses for each project, vendor information, work order number, and the fixed capital cost of each project in nominal dollars.
12. For each expenditure identified in question 11 which costs greater than \$100,000, provide:
  - a. Copies of all capital appropriation requests<sup>1</sup>, financial justifications, and authorizations, including attachments, generated by or prepared on behalf of the facility or its predecessors concerning that expenditure.
  - b. An analysis and quantification of the effect of the change on the production and/or emissions from the unit;
  - c. Whether the facility considered it a major modification for Prevention of Significant Deterioration and/or New Source Review purposes;
  - d. All assumptions, emission factors, and calculations utilized in making the determination that the modification was or was not a major modification;
  - d. Any and all correspondence, studies, or reports related to such analyses;
  - e. The basis for the facility's determination that the change was or was not a major modification for each pollutant;
  - f. Copies of any and all best available control technology (BACT) and lowest achievable emission rate (LAER) analyses (performed by the facility, any State/federal agency, or any consultant or contractor) related to any emission unit at the facility for any of the changes in the table;
  - g. Any and all correspondence, studies, or reports related to such BACT or LAER determinations; and

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<sup>1</sup>The term "capital appropriation request" shall mean any document used by plant personnel in seeking management approval for planned expenditures at the Facility. These documents are also known as authorizations for expenditure, capital requests or other similar names.



- h. Copies of all engineering analyses, reports, planning documents, meeting notes, studies, project information, internal or external correspondence, email, memoranda, and telephone discussion summaries. This shall include all documents which discuss each project with respect to air emissions; which discuss project economics; or which discuss associated production rates (including, but not limited to, possible, potential, or likely effects on air emissions or compliance with Clean Air Act requirements).
- 13. Provide the current "projected capital outlay plan" or any other document(s) that sets forth operational and equipment changes and identifies the projected capital expenditures that the facility will be making in the next five years (or any other planning period used) at the facility. In addition, provide capital planning documents (i.e., five year plans and all other comparable documents) for the period January 1, 1990, to the present.
- 14. List and provide all life extension and life optimization studies, evaluations, assessments and reports, including any reports and/or correspondence, related to extending the life of the equipment at the facility for the period January 1, 1990, to the present. Provide all documents related to internal or external reporting of the capacity of the facility, including, but not limited to, reports to corporate offices, corporate boards or any similar communication.
- 15. Provide all planning, meeting notes, studies and project information related to efforts to increase the performance and/or reliability of equipment at the facility on either a short-term or annual basis for the period January 1, 1990, to the present.
- 16. Provide a list of the air pollution control devices in operation at the facility and state:
  - a. The pollutant it controls;
  - b. A description of the stack or duct on which the control device is located;
  - c. A list of the processes included in the response to question 3 that vent to this stack or duct;
  - d. A description of the device, including, but not limited to, the vendor, size, and related control efficiency;
  - e. The date the device was installed and the date it began operation; and the vendor guarantee for the control efficiency of the device, for each pollutant it affects.

**EMISSION UNITS X001 AND X002 – NO. 1 RECOVERY FURNACE AND NO. 1 SMELT DISSOLVING TANK**

- 17. Provide the following information for the No. 1 Recovery Furnace from January 1, 1990 to the present:
  - a. The monthly fuel use, by fuel type including:
    - i. The types and quantities of each fuel combusted; and



- ii. The heating value (in British Thermal Units (BTUs)) of each type of fuel;
  - b. The original and current maximum heat input capacity (in million BTUs per hour (mmBTU/hr) and pounds steam per hour (lbs steam/hr));
  - c. Information regarding any changes to heat input capacity since the construction of the unit, including reasons for changes, work orders, capital appropriation requests, or project plans;
  - d. The monthly hours of operation;
  - e. The monthly steam generation (in lbs steam);
  - f. Amount of smelt generated (in lbs smelt/hour);
  - g. The monthly hours of operation; and
  - h. Repair reports or work orders, outage reports or work orders, or descriptions for unit downtime.
18. Provide complete copies of reports for sulfur dioxide (SO<sub>2</sub>) stack tests performed for compliance, engineering, or other purposes that were conducted on the No. 1 Recovery Furnace from January 1, 1990 to the present. The test reports should contain all attachments and include the process and control device operational data collected during each test (i.e., production rates and control device parameters).
  19. Provide complete copies of reports for nitrogen oxides (NO<sub>x</sub>) stack tests performed for compliance, engineering, or other purposes that were conducted on the No. 1 Recovery Furnace from January 1, 1990 to the present. The test reports should contain all attachments and include the process and control device operational data collected during each test (i.e., production rates and control device parameters).
  20. Provide complete copies of reports for Particulate Matter (PM) stack tests performed for compliance, engineering, or other purposes that were conducted on the No. 1 Recovery Furnace from January 1, 1990 to the present. The test reports should contain all attachments and include the process and control device operational data collected during each test (i.e., production rates and control device parameters).
  21. To the extent not provided before, provide copies of any correspondence from January 1, 1990, through the present, between the state, local, or federal permitting authority, regarding the installation or modification the No. 1 Recovery furnace or the No. 1 Smelt Dissolving Tank, including, but not limited to, applicability determinations, regulatory interpretations, and approval orders.

**EMISSION UNITS X012 AND X013 – NO. 2 RECOVERY FURNACE AND NO. 2 SMELT DISSOLVING TANK**

22. Provide the following information for the No. 2 Recovery Furnace from January 1, 1990 to the present:



- a. The monthly fuel use, by fuel type including:
    - i. The types and quantities of each fuel combusted; and
    - ii. The heating value (in BTUs) of each type of fuel;
  - b. The original and current maximum heat input capacity (in mmBTU/hr and lbs steam/hr);
  - c. Information regarding any changes to heat input capacity since the construction of the unit, including reasons for changes, work orders, capital appropriation requests, or project plans;
  - d. The monthly steam generation (in lbs steam);
  - e. Amount of smelt generated (in lbs smelt/hour);
  - f. The monthly hours of operation; and
  - g. Repair reports or work orders, outage reports or work orders, or descriptions for unit downtime.
23. Provide complete copies of reports for SO<sub>2</sub> stack tests performed for compliance, engineering, or other purposes that were conducted on the No. 2 Recovery Furnace from January 1, 1990 to the present. The test reports should contain all attachments and include the process and control device operational data collected during each test (i.e., production rates and control device parameters).
24. Provide complete copies of reports for NO<sub>x</sub> stack tests performed for compliance, engineering, or other purposes that were conducted on the No. 2 Recovery Furnace from January 1, 1990 to the present. The test reports should contain all attachments and include the process and control device operational data collected during each test (i.e., production rates and control device parameters).
25. Provide complete copies of reports for PM stack tests performed for compliance, engineering, or other purposes that were conducted on the No. 2 Recovery Furnace from January 1, 1990 to the present. The test reports should contain all attachments and include the process and control device operational data collected during each test (i.e., production rates and control device parameters).
26. To the extent not provided before, provide copies of any correspondence from January 1, 1990, through the present, between the state, local, or federal permitting authority, regarding the installation or modification of the No. 2 Recovery Furnace or the No. 2 Smelt Dissolving Tank, including, but not limited to, applicability determinations, regulatory interpretations, and approval orders.

#### **EMISSION UNIT Z008 – NO. 1 POWER BOILER**

27. Provide the following information for the No. 1 Power Boiler from January 1, 1990 to the present:





- a. The monthly fuel use, by fuel type including:
    - i. The types and quantities of each fuel combusted; and
    - ii. The heating value (in BTUs) of each type of fuel;
  - b. The original and current maximum heat input capacity (in mmBTU/hr and lbs steam/hr);
  - c. Information regarding any changes to heat input capacity since the construction of the unit, including reasons for changes, work orders, capital appropriation requests, or project plans;
  - d. The monthly steam generation (in lbs steam);
  - e. The monthly hours of operation; and
  - f. Repair reports or work orders, outage reports or work orders, or descriptions for unit downtime.
28. Provide complete copies of reports for SO<sub>2</sub> stack tests performed for compliance, engineering, or other purposes that were conducted on the No. 1 Power Boiler from January 1, 1990 to the present. The test reports should contain all attachments and include the process and control device operational data collected during each test (i.e., production rates and control device parameters).
29. Provide complete copies of reports for NO<sub>x</sub> stack tests performed for compliance, engineering, or other purposes that were conducted on the No. 1 Power Boiler from January 1, 1990 to the present. The test reports should contain all attachments and include the process and control device operational data collected during each test (i.e., production rates and control device parameters).
30. Provide complete copies of reports for PM stack tests performed for compliance, engineering, or other purposes that were conducted on the No. 1 Power Boiler from January 1, 1990 to the present. The test reports should contain all attachments and include the process and control device operational data collected during each test (i.e., production rates and control device parameters).
31. To the extent not provided before, provide copies of any correspondence from January 1, 1990, through the present, between the state, local, or federal permitting authority, regarding the installation or modification of the No. 1 Power Boiler, including, but not limited to, applicability determinations, regulatory interpretations, and approval orders.

#### **EMISSION UNIT X017 – NO. 2 POWER BOILER**

32. Provide the following information for the No. 2 Power Boiler from January 1, 1990 to the present:
- a. The monthly fuel use, by fuel type including:
    - i. The types and quantities of each fuel combusted; and



- ii. The heating value (in BTUs) of each type of fuel;
  - b. The original and current maximum heat input capacity (in mmBTU/hr and lbs steam/hr);
  - c. Information regarding any changes of heat input capacity since the construction of the unit, including reasons for changes, work orders, capital appropriation requests, or project plans;
  - d. The monthly steam generation (in lbs steam);
  - e. The monthly hours of operation; and
  - f. Repair reports or work orders, outage reports or work orders, or descriptions for unit downtime.
33. Provide complete copies of reports for SO<sub>2</sub> stack tests performed for compliance, engineering, or other purposes that were conducted on the No. 2 Power Boiler from January 1, 1990 to the present. The test reports should contain all attachments and include the process and control device operational data collected during each test (i.e., production rates and control device parameters).
34. Provide complete copies of reports for NO<sub>x</sub> stack tests performed for compliance, engineering, or other purposes that were conducted on the No. 2 Power Boiler from January 1, 1990 to the present. The test reports should contain all attachments and include the process and control device operational data collected during each test (i.e., production rates and control device parameters).
35. Provide complete copies of reports for PM stack tests performed for compliance, engineering, or other purposes that were conducted on the No. 2 Power Boiler from January 1, 1990 to the present. The test reports should contain all attachments and include the process and control device operational data collected during each test (i.e., production rates and control device parameters).
36. To the extent not provided before, provide copies of any correspondence from January 1, 1990, through the present, between the state, local, or federal permitting authority, regarding the installation or modification of the No. 2 Power Boiler, including, but not limited to, applicability determinations, regulatory interpretations, and approval orders.

#### **EMISSION UNIT X003 – NO. 1 LIME KILN**

37. Provide the following information for the No. 1 Lime Kiln from January 1, 1990 to the present:
- a. The monthly fuel use, by fuel type including:
    - i. The types and quantities of each fuel combusted; and
    - ii. The heating value (in BTUs) of each type of fuel;
  - b. The original and current maximum operating capacity (in pounds quicklime per hour (CaO/hr));



- c. Information regarding any changes of operating capacity since the construction of the unit, including reasons for changes, work orders, capital appropriation requests, or project plans;
  - d. The monthly production of CaO (in lbs CaO);
  - e. The monthly hours of operation;
  - f. Repair reports or work orders, outage reports or work orders, or descriptions for unit downtime.
38. Provide complete copies of reports for SO<sub>2</sub> stack tests performed for compliance, engineering, or other purposes that were conducted on the No. 1 Lime Kiln from January 1, 1990 to the present. The test reports should contain all attachments and include the process and control device operational data collected during each test (i.e., production rates and control device parameters).
39. Provide complete copies of reports for NO<sub>x</sub> stack tests performed for compliance, engineering, or other purposes that were conducted on the No. 1 Lime Kiln from January 1, 1990 to the present. The test reports should contain all attachments and include the process and control device operational data collected during each test (i.e., production rates and control device parameters).
40. Provide complete copies of reports for PM stack tests performed for compliance, engineering, or other purposes that were conducted on the No. 1 Lime Kiln from January 1, 1990 to the present. The test reports should contain all attachments and include the process and control device operational data collected during each test (i.e., production rates and control device parameters).
41. To the extent not provided before, provide copies of any correspondence from January 1, 1990, through the present, between the state, local, or federal permitting authority, regarding the installation or modification of the No. 1 Lime Kiln, including, but not limited to, applicability determinations, regulatory interpretations, and approval orders.

#### **EMISSION UNIT X014 – NO. 2 LIME KILN**

42. Provide the following information for the No. 2 Lime Kiln from January 1, 1990 to the present:
- a. The monthly fuel use, by fuel type including:
    - i. The types and quantities of each fuel combusted; and
    - ii. The heating value (in BTUs) of each type of fuel;
  - b. The original and current maximum operating capacity (in lbs CaO/hr);
  - c. Information regarding any changes of operating capacity since the construction of the unit, including reasons for changes, work orders, capital appropriation requests, or project plans;
  - d. The monthly production of CaO (in lbs CaO/month);
  - e. The monthly hours of operation; and
  - f. Repair reports or work orders, outage reports or work orders, or descriptions for unit



downtime.

43. Provide complete copies of reports for SO<sub>2</sub> stack tests performed for compliance, engineering, or other purposes that were conducted on the No. 2 Lime Kiln from January 1, 1990 to the present. The test reports should contain all attachments and include the process and control device operational data collected during each test (i.e., production rates and control device parameters).
44. Provide complete copies of reports for NO<sub>x</sub> stack tests performed for compliance, engineering, or other purposes that were conducted on the No. 2 Lime Kiln from January 1, 1990 to the present. The test reports should contain all attachments and include the process and control device operational data collected during each test (i.e., production rates and control device parameters).
45. Provide complete copies of reports for PM stack tests performed for compliance, engineering, or other purposes that were conducted on the No. 2 Lime Kiln from January 1, 1990 to the present. The test reports should contain all attachments and include the process and control device operational data collected during each test (i.e., production rates and control device parameters).
46. To the extent not provided before, provide copies of any correspondence from January 1, 1990, through the present, between the state, local, or federal permitting authority, regarding the installation or modification of the No. 2 Lime Kiln, including, but not limited to, applicability determinations, regulatory interpretations, and approval orders.

#### **EMISSION UNIT Z004 – NO. 1 DIGESTER**

47. Provide the following information for the No. 1 Digester from January 1, 1990 to the present:
  - a. The monthly production (in oven dried tons of pulp (ODTP));
  - b. The original and current maximum operating capacity (in ODTP/hr);
  - c. Information regarding any changes of operating capacity since the construction of the unit, including reasons for changes, work orders, capital appropriation requests, or project plans;
  - d. The monthly hours of operation; and
  - e. Repair reports or work orders, outage reports or work orders, or descriptions for unit downtime.
48. To the extent not provided before, provide copies of any correspondence from January 1, 1990, through the present, between the state, local, or federal permitting authority, regarding the installation or modification of the No. 1 Digester, including, but not limited to, applicability determinations, regulatory interpretations, and approval orders.

#### **EMISSION UNIT X015 – NO. 2 DIGESTER**





49. Provide the following information for the No. 2 Digester from January 1, 1990 to the present:
- The monthly production (in OTDP);
  - The original and current maximum operating capacity (in OTDP/hr);
  - Information regarding any changes of operating capacity since the construction of the unit, including reasons for changes, work orders, capital appropriation requests, or project plans;
  - The monthly hours of operation;
  - Repair reports or work orders, outage reports or work orders, or descriptions for unit downtime.
50. To the extent not provided before, provide copies of any correspondence from January 1, 1990, through the present, between the state, local, or federal permitting authority, regarding the installation or modification of the No. 2 Digester, including, but not limited to, applicability determinations, regulatory interpretations, and approval orders.

**EMISSION UNIT X006 – FIVE-EFFECT PRE-EVAPORATOR SYSTEM AND NO.1 MULTIPLE EFFECT EVAPORATOR SYSTEM**

51. Provide the following information for the Five-Effect Pre-Evaporator System and No. 1 Multiple Effect Evaporator System from January 1, 1990 to the present:
- The monthly production of Black Liquor Solids generated;
  - Information regarding any changes in the number of effects since construction, including reasons for changes, work orders, capital appropriation requests, or project plans;
  - The monthly hours of operation; and
  - Repair reports or work orders, outage reports or work orders, or descriptions for unit downtime.
52. To the extent not provided before, provide copies of any correspondence from January 1, 1990, through the present, between the state, local, or federal permitting authority, regarding the installation or modification of the Five-Effect Pre-Evaporator System or the No. 1 Multiple Effect Evaporator System, including, but not limited to, applicability determinations, regulatory interpretations, and approval orders.

**EMISSION UNIT X016 – NO.2 MULTIPLE EFFECT EVAPORATOR SYSTEM**

53. Provide the following information for the No. 2 Multiple Effect Evaporator System from January 1, 1990 to the present:
- The monthly production of Black Liquor Solids generated;



- b. Information regarding any changes in the number of effects since construction, including reasons for changes, work orders, capital appropriation requests, or project plans;
  - c. The monthly hours of operation;
  - d. Repair reports or work orders, outage reports or work orders, or descriptions for unit downtime.
- 54. To the extent not provided before, provide copies of any correspondence from January 1, 1990, through the present, between the state, local, or federal permitting authority, regarding the installation or modification of the No. 2 Multiple Effect Evaporator System, including, but not limited to, applicability determinations, regulatory interpretations, and approval orders.



## **CONFIDENTIAL BUSINESS INFORMATION (CBI) ASSERTION AND SUBSTANTIATION REQUIREMENTS**

You may assert a business confidentiality claim covering all or part of the information you provide in response to this information request for any business information entitled to confidential treatment under Section 114(c) of the Clean Air Act (the Act), 42 U.S.C. §7414, and 40 CFR Part 2, subpart B. Under Section 114(c) of the Act, you are entitled to confidential treatment of information that would divulge methods or processes entitled to protection as trade secrets. Under 40 CFR Part 2, subpart B, business confidentiality means the concept of trade secrecy and other related legal concepts which give (or may give) a business the right to preserve the confidentiality of business information and to limit its use or disclosure by others in order that the business may obtain or retain business advantages it derives from its rights in the information. See 40 CFR §2.201(e).

The criteria EPA will use in determining whether material you claim as business confidential is entitled to confidential treatment are set forth at 40 CFR §2.208 and 2.301. These regulations provide, among other things, that you must satisfactorily show that: (1) the information is within the scope of business confidentiality as defined at 40 CFR §2.201(e), (2) that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, (3) the information is not and has not been reasonably obtainable by legitimate means without your consent, and (4) the disclosure of the information is likely to cause substantial harm to your business' competitive edge. See 40 CFR §2.208 (a)-(d). Emission data, as defined at 40 CFR §2.301(a)(2), is expressly not entitled to confidential treatment under 40 CFR Part 2, subpart B. See 42 U.S.C. §7414(c); 40 CFR § 2.301(e).

Information covered by a claim of business confidentiality will be disclosed by EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Act and 40 CFR Part 2, subpart B. EPA will construe your failure to furnish a business confidentiality claim with your response to this information request as a waiver of that claim, and the information may be made available to the public without further notice to you.

To assert a business confidentiality claim, you must place on (or attach to) all information you desire to assert as business confidential either a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as trade secret, proprietary, or company confidential at the time you submit your response to this information request. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and may be submitted separately to facilitate identification and handling by EPA. You should indicate if you desire confidential treatment only until a certain date or until the occurrence of a certain event.

In addition, EPA is providing you notice that if you assert a claim of business confidentiality for information you provide in response to this information request, EPA will determine whether such information is entitled to confidential treatment, pursuant to 40 CFR Part 2, subpart B. Accordingly, after EPA's receipt of your business confidentiality claim, you will receive a letter inviting your comments on the following questions:

1. What specific portions of the information are alleged to be entitled to confidential treatment? Specify by page, paragraph, and sentence when identifying the information subject to your claim.



2. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, specify that event. Additionally, explain why the information should be protected for the time period you've specified.
3. What measures have you taken to protect the information claimed as confidential from undesired disclosure? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity whether disclosure of the information is likely to result in substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
7. Is there any other explanation you deem relevant to EPA's determination of your business confidentiality claim that is not covered in the preceding questions? If so, you may provide such additional explanation.

See 40 CFR §2.204(e)(4). When you receive such a letter, you must provide EPA with a written response within the number of days set forth in the letter. EPA will construe your failure to furnish timely comments as a waiver of your confidentiality claim, consistent with 40 CFR §2.204(e)(1).





## STATEMENT OF CERTIFICATION

Georgia-Pacific Cellulose is submitting the enclosed documents in response to the EPA's Section 114 request for information to determine whether Georgia-Pacific Cellulose, is in compliance with the Clean Air Act, including New Source Review (NSR).

I am a responsible officer of \_\_\_\_\_.

I certify under penalty of law that I have personally examined and am familiar with, the statements and information submitted in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true, correct, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information, or omitting required statements and information, including the possibility of fine or imprisonment.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Title \_\_\_\_\_





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

MAY 09 2013

UNITED PARCEL SERVICE

Mike Petrovich, Esq.  
Hopping Green & Sams  
123 South Calhoun Street  
Tallahassee, Florida 32301

Dear Mr. Petrovich:

This information request letter follows Robert Caplan's April 16, 2013, email to you, and formally requests that your client, CF Industries (CFI), submit updated Sulfur Dioxide (SO<sub>2</sub>) Continuous Emissions Monitoring System data and corresponding sulfuric acid production and air flow data for the C and D Sulfuric Acid Plants (C and D SAPs) at CFI's Plant City, Florida facility, covering the period from December 1, 2012, through May 3, 2013. Please submit the data in the same Excel spreadsheet format used for the previous data submission.

This information is being requested pursuant to the authority of Section 114(a) of the Clean Air Act (the Act), 42 U.S.C. § 7414(a). Pursuant to Section 114(a) of the Act, the Administrator of the EPA is authorized to require any person who owns or operates any emission source, or who is subject to any requirement of the Act, to establish and maintain such records, make such reports, and provide such other information as the Administrator may reasonably require, for the purposes of determining whether such person is in violation of any provision of the Act. The Administrator has delegated this authority to the Director of the Air, Pesticides and Toxics Management Division, Region 4.

Please submit the requested information to the EPA no later than May 17, 2012. The EPA may, for good cause shown, extend in writing the deadline for responding to the request. The information should be submitted to Ms. Rosalyn Hughes at the following address:

Rosalyn Hughes  
Environmental Engineer  
Air and EPCRA Enforcement Branch  
U.S. EPA Region 4  
Sam Nunn Atlanta Federal Center  
61 Forsyth Street, SW  
Atlanta, GA 30303-8960

Under 40 C.F.R. Part 2, Subpart B, CFI may assert a claim of business confidentiality, except that no such claim can be made with respect to emission data as defined at 40 C.F.R. § 2.301(a)(2). Any such claim should be made in accordance with the procedures described at 40 C.F.R. § 2.203(b). The EPA will provide the public with information subject to a claim of business confidentiality only in accordance



with the procedures set forth at 40 C.F.R. Part 2, Subpart B. The EPA may use any information submitted in response to this request in an administrative, civil, or criminal action.

CFI must submit all requested information under an authorized signature of a company official with the following certification:

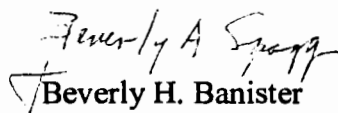
I certify that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Act, and 18 U.S.C. §§ 1001 and 1341.

This required submittal of information is not subject to the provisions of the Paperwork Reduction Act, 44 U.S.C. § 3501 et seq.

Failure to comply fully with this request for information is a violation of Section 114 of the Act and may subject CFI to an enforcement action under Section 113 of the Act, 42 U.S.C. § 7413, for the recovery of civil penalties not to exceed \$37,500 per day of violation, or for injunctive relief or both. Section 113 of the Act gives the EPA the authority to seek criminal penalties from any person who knowingly makes any false statement, representation, or certification in any report required under the Act.

Please direct any questions regarding this request for information to Mr. Robert Caplan, at (404) 562-9520, or to Ms. Rosalyn Hughes at (404) 562-9206.

Sincerely,

  
Beverly H. Banister  
Director  
Air, Pesticides, and Toxics  
Management Division

cc: Jeff Littlejohn, Deputy Secretary  
Regulatory Programs, FLDEP

Brian Accardo, Deputy Director  
Division of Air, FLDEP

Jeff Koerner, Program Administrator  
Office of Permitting and Compliance, Division of Air, FLDEP





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

114

MAY 16 2013

UNITED PARCEL SERVICE

Charles E. Gavin  
MFG Chemical, Inc.  
1804 Kimberly Park Drive  
Dalton, Georgia 30720

Dear Mr. Gavin:

The purpose of this letter is to request information as part of a U.S. Environmental Protection Agency investigation to determine the compliance status of the MFG Chemical, Inc. (MFG) plant located in Dalton, Georgia with the Clean Air Act (CAA), 42 U.S.C. § 7401, *et seq.*

Section 114(a) of the CAA, 42 U.S.C § 7414(a), authorizes the Administrator of the EPA to require any person who owns or operates an emission source, whom the Administrator believes may have information necessary for the purposes of Section 114(a), or who is subject to any requirement of the CAA, to provide such information as the Administrator may reasonably require for the purpose of carrying out any provision of the CAA. This authority has been duly delegated to the Director of the Air, Pesticides, and Toxics Management Division, Region 4.

Therefore, pursuant to Section 114(a), MFG is directed to respond to the enclosed Information Request (Enclosure A) within **thirty (30) days** of receipt of this letter except for those items specifying a different response time. The EPA, for good cause shown, may extend the deadline for responding to the request. You should respond to this Information Request as completely as possible. The response must be delivered to the EPA or postmarked no later than the above deadline. Send one complete copy of your response, including supporting documentation, to the following address:

Todd Groendyke  
South Air Enforcement Section  
U.S. EPA, Region 4  
Atlanta Federal Center  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303

You are entitled to assert a claim of business confidentiality covering all or part of any required information except emission data, in the manner described at 40 C.F.R. §2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth at 40 C.F.R. Part 2, Subpart B. Unless a confidentiality claim is asserted at the time the required information is provided, the EPA may make this information available to the public without further notice to you. Notwithstanding the above, the information you provide may be used by the EPA in administrative, civil, and criminal proceedings. See Enclosure B for confidential business information





assertion and substantiation requirements. If there is a claim of confidential business information, you will receive a letter from the EPA inviting your comments on seven questions so that the EPA can determine whether such information is entitled to confidential treatment.

Failure to comply with this requirement to provide information is a violation of Section 114 of the CAA and could result in an enforcement action for the recovery of civil penalties not to exceed \$37,500 per day, per violation, or for injunctive relief or both. Section 113, 42 U.S.C. §7413, of the CAA gives the EPA the authority to seek criminal penalties from any person who knowingly makes any false statement, representation, or certification in any report required under the CAA.

This required submittal of information is not subject to the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. Chapter 35.

If you have any questions relating to this Information Request, you may consult with the EPA prior to the above specified time. Questions should be directed Todd Groendyke at (404) 562-8262 or by email at [groendyke.todd@epa.gov](mailto:groendyke.todd@epa.gov). Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Carol G. Kember".

Beverly H. Banister  
Director  
Air, Pesticides, and Toxics  
Management Division

Enclosure: Information Request

cc: Karen Hays (with Enclosure)  
Georgia Environmental Protection Division



## **ENCLOSURE A**

### **INSTRUCTIONS**

1. Please provide a separate response to each question and subpart of a question set forth in this Information Request and precede each answer with the number of the question to which it corresponds.
2. For each question, identify each person responding to any question contained in this Information Request on your behalf, as well as each person consulted in the preparation of a response.
3. For each question, identify each document consulted, examined, or referred to in the preparation of the response or that contains information responsive to the question, and provide a true and correct copy of each such document if not provided in response to another specific question. Indicate on each document produced in response to this Information Request the number of the question to which it corresponds.
4. If requested information or documents are not known or are not available to you at the time of your response to this Information Request, but later become known or available to you, you must supplement your response to EPA. Moreover, should you find at any time after submission of your response that any portion is or becomes false, incomplete, or misrepresents the facts, you must provide EPA with a corrected response as soon as possible.
5. Requested information can be submitted in electronic form if applicable.



## DEFINITIONS

1. The term "document" means written documentation of any kind, including documentation solely in electronic form. It includes any document in the possession or control of the company or the possession or control of any person or entity hired by the company. A copy of a document rather than the original may be provided.
2. The terms "person" or "persons" shall have the meaning set forth in Section 302(e) of the CAA, 42 U.S.C. § 7602(e), and includes an individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency, department, or instrumentality of the United States and any officer, agent or employee thereof.
3. The terms "relate to" or "pertain to" (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.
4. The terms "you" or "your", as used in each of the questions set forth in the attached Section 114 letter, refers to, and shall mean, the company or corporation with which each addressee of the attached Section 114 letter is affiliated, including its subsidiaries, divisions, affiliates, predecessors, successors, assigns, and its former and present officers, directors, agents, employees, representatives, attorneys, consultants, accountants and all other persons acting on its behalf.
5. The term "facility" shall mean the chemical manufacturing plant (including all physical structures) operated by MFG Chemical, Inc. (MFG) located at 453 Callahan Road in Dalton, Georgia.
6. The term "incident" shall mean the reaction to produce coagulant 129 and the related chemical explosion that occurred on or around May 21, 2012, at the facility.
7. The term "reaction" shall mean any chemical reaction in which maleic acid is used as a starting material and coagulant 129 or other polymer/coagulant compounds are products.
8. The term "chemical(s)" shall mean composed of or involving the use of substances produced by the process of chemistry. This definition shall mean all organic and inorganic substances that are contained or used in any process or maintenance activity at the facility, including, but not limited to maleic acid, hydrogen peroxide, and coagulant 129.
9. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
10. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief



## **INFORMATION REQUEST**

You are hereby required, in accordance with Section 114(a) of the CAA, 42 U.S.C. § 7414(a), to provide the following information for the MFG facility located in Dalton, Georgia.

1. Provide the name, product number, technical specifications, and vendor information for the valve identified in MFG's response to Question 23d of the EPA's October 4, 2012, information request.
2. Indicate on a process flow diagram the location of the valve identified in MFG's response to Question 23d of the EPA's October 4, 2012, information request.
3. Provide a written narrative that describes the frequency and procedures for inspection and maintenance for the valve identified in MFG's response to Question 23d of the EPA's October 4, 2012, information request.
4. Provide records of all inspections, tests, maintenance, repairs or replacement for the valve identified in MFG's response to Question 23d of the EPA's October 4, 2012, information request.
5. Provide the make, model, and technical specifications for the manway involved in the incident. Please include the pressure necessary to cause the cover to separate from the manway.
6. Provide a written narrative that describes why the rupture disc from reactor D-2 ruptured on the day of the incident.
7. Provide the following information for reactor D-2 on the day of the incident:
  - a. A narrative description of the reaction performed in the reactor;
  - b. A list of all chemicals involved in the reaction; and
  - c. A list of the name and amounts of chemicals that vented through the rupture disc.
8. Provide a copy of any consent decree or order, including all attachments, between MFG and Occupational Health and Safety Administration (OSHA).
9. Please provide MFG's written response to the OSHA describing the specific corrective actions taken as a result of the incident.
10. Provide complete copies, including all attachments, of any email or correspondence from April 1, 2012, to present, that is to or from Charles Gavin, Keith Arnold, Dave Driggers, Scott Cooper, or Joe Stafford and contains any of the following keywords: peroxide, coagulant 129, reactor D6, manway, explosion, rupture, or General Electric.
11. Provide a written narrative describing what methods were used to evaluate the kinetics of the reaction to produce coagulant 129 prior to scale up.





description of its business.

11. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter.
12. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
13. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in the Clean Air Act or 40 C.F.R. in which case the statutory or regulatory definitions shall apply.



12. For the reaction to produce coagulant 129, please identify the date and the results of the following tests the company performed to evaluate the thermodynamics, kinetics or hazards of the reaction. If the test was not conducted, please state such:
- Differential scanning calorimetry;
  - Differential thermal analysis;
  - Insulated exotherm test;
  - Decomposition pressure test;
  - Carius sealed tube test;
  - Mixing cell calorimetry;
  - Vent sizing package;
  - Accelerating rate calorimeter; and
  - Reactive system screening tool.
13. For each of the following tests, identify if MFG has the equipment necessary to perform the test. For each question answered in the affirmative, please provide the make, model, and location of the device:
- Differential scanning calorimetry;
  - Differential thermal analysis;
  - Insulated exotherm test;
  - Decomposition pressure test
  - Carius sealed tube test
  - Mixing cell calorimetry;
  - Vent sizing package;
  - Accelerating Rate Calorimeter; and
  - Reactive system screening tool.
14. Provide copies of the Emergency and Hazardous Chemical Inventory (Tier II Inventory) that were submitted for all of MFG Chemical facilities for calendar year 2012. Also provide evidence of submission to the State Emergency Response Commission (SERC), the Local Emergency Planning Committee (LEPC) and the local fire department.
15. State whether MFG Chemical was manufacturing coagulant 129 for another company pursuant to a tolling agreement? If yes, please state the name of the company and provide a copy of the tolling agreement.
16. Provide complete copies, including all attachments, of any email, correspondence, tolling agreements or contracts from January 1, 2012, to present, that is between any representative of MFG and any representative of General Electric to produce or purchase coagulant 129.
17. Provide the production records, bill of materials, and manufacturing procedures for all batch reactions performed in any reactor at MFG's Callahan road facility, from May 1, 2012 to June 1, 2012.



## **ENCLOSURE B**

### **CONFIDENTIAL BUSINESS INFORMATION (CBI) ASSERTION AND SUBSTANTIATION REQUIREMENTS**

You may assert a business confidentiality claim covering all or part of the information you provide in response to this information request for any business information entitled to confidential treatment under Section 114(c) of the Clean Air Act (the Act), 42 U.S.C. §7414, and 40 CFR Part 2, subpart B. Under Section 114(c) of the Act, you are entitled to confidential treatment of information that would divulge methods or processes entitled to protection as trade secrets. Under 40 CFR Part 2, subpart B, business confidentiality means the concept of trade secrecy and other related legal concepts which give (or may give) a business the right to preserve the confidentiality of business information and to limit its use or disclosure by others in order that the business may obtain or retain business advantages it derives from its rights in the information. See 40 CFR §2.201(e).

The criteria EPA will use in determining whether material you claim as business confidential is entitled to confidential treatment are set forth at 40 CFR §2.208 and 2.301. These regulations provide, among other things, that you must satisfactorily show that: (1) the information is within the scope of business confidentiality as defined at 40 CFR §2.201(e), (2) that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, (3) the information is not and has not been reasonably obtainable by legitimate means without your consent, and (4) the disclosure of the information is likely to cause substantial harm to your business' competitive edge. See 40 CFR §2.208 (a)-(d). Emission data, as defined at 40 CFR §2.301(a)(2), is expressly not entitled to confidential treatment under 40 CFR Part 2, subpart B. See 42 U.S.C. §7414(c); 40 CFR § 2.301(e).

Information covered by a claim of business confidentiality will be disclosed by EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Act and 40 CFR Part 2, subpart B. EPA will construe your failure to furnish a business confidentiality claim with your response to this information request as a waiver of that claim, and the information may be made available to the public without further notice to you.

To assert a business confidentiality claim, you must place on (or attach to) all information you desire to assert as business confidential either a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as trade secret, proprietary, or company confidential at the time you submit your response to this information request. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and may be submitted separately to facilitate identification and handling by EPA. You should indicate if you desire confidential treatment only until a certain date or until the occurrence of a certain event.

In addition, EPA is providing you notice that if you assert a claim of business confidentiality for information you provide in response to this information request, EPA will determine whether such information is entitled to confidential treatment, pursuant to 40 CFR Part 2, subpart B. Accordingly, after EPA's receipt of your business confidentiality claim, you will receive a letter inviting your comments on the following questions:

1. What specific portions of the information are alleged to be entitled to confidential treatment? Specify by page, paragraph, and sentence when identifying the information subject to your claim.



2. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, specify that event. Additionally, explain why the information should be protected for the time period you've specified.
3. What measures have you taken to protect the information claimed as confidential from undesired disclosure? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity whether disclosure of the information is likely to result in substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
7. Is there any other explanation you deem relevant to EPA's determination of your business confidentiality claim that is not covered in the preceding questions? If so, you may provide such additional explanation.

See 40 CFR §2.204(e)(4). When you receive such a letter, you must provide EPA with a written response within the number of days set forth in the letter. EPA will construe your failure to furnish timely comments as a waiver of your confidentiality claim, consistent with 40 CFR §2.204(e)(1).







UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

MAY 20 2013

UNITED PARCEL SERVICE

Mark Ishihara  
NA Supply Chain Environment, Health and Safety Leader  
GE Power and Water  
GE Water and Process Technologies  
333 South Lombard Road  
Addison, Illinois 60101

MFG Chemical

Dear Mr. Ishihara:

The purpose of this letter is to request information as part of a U.S. Environmental Protection Agency Clean Air Act (CAA) compliance investigation. Section 114(a) of the CAA, 42 U.S.C. § 7414(a), authorizes the Administrator of the EPA to require any person who owns or operates an emission source, whom the Administrator believes may have information necessary for the purposes of Section 114(a), or who is subject to any requirement of the CAA, to provide such information as the Administrator may reasonably require for the purpose of carrying out any provision of the CAA. This authority has been duly delegated to the Director of the Air, Pesticides, and Toxics Management Division, Region 4.

Therefore, pursuant to Section 114(a) of the CAA, GE Water and Process Technologies, is directed to respond to the enclosed Information Request **within fifteen (15) days** of your receipt of this letter, unless the EPA, for good cause shown, extends in writing the deadline for responding to the request. You should respond to this Information Request as completely as possible. The response must be delivered to the EPA or postmarked no later than the above deadline. Send one complete copy of your response, including supporting documentation, to the following address:

Mr. Todd Groendyke  
Air and EPCRA Enforcement Branch  
U.S. EPA, Region 4  
Atlanta Federal Center  
61 Forsyth Street, SW  
Atlanta, Georgia 30303

Failure to provide the information required may result in the issuance of an Order requiring compliance with the requirements contained herein, or the initiation of a civil action pursuant to Section 113 of the CAA, 42 U.S.C. § 7413. This may include civil and/or administrative penalties of up to \$37,500 per day of noncompliance, pursuant to Sections 113(b) and (d) of the CAA, 42 U.S.C. § 7413(b) and (d).

You are entitled to assert a claim of business confidentiality covering all or part of any required information, in the manner described at 40 C.F.R. § 2.203(b). Information subject to a claim of

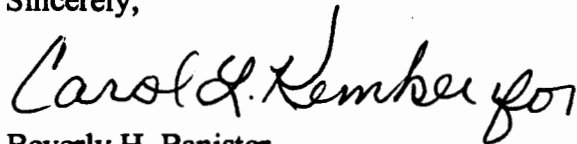


business confidentiality will be made available to the public only in accordance with the procedures set forth at 40 C.F.R. Part 2, Subpart B. Unless a confidentiality claim is asserted at the time the required information is provided, the EPA may make this information available to the public without further notice to you. Notwithstanding the above, the information you provide may be used by the EPA in administrative, civil and criminal proceedings.

This request is exempt from the requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501 et seq., because it seeks the collection of information by an agency from specific individuals or entities as part of an administrative action or investigation.

If you have any questions relating to this Information Request, you may consult with the EPA prior to the time specified above. Questions should be directed to Mr. Todd Groendyke at (404) 562-8262. Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in cursive script, reading "Carol G. Kemberger".

Beverly H. Banister

Director

Air, Pesticides, and Toxics

Management Division

Enclosure



## **ENCLOSURE**

### **INSTRUCTIONS**

1. Please provide a separate response to each question and subpart of a question set forth in this Information Request and precede each answer with the number of the question to which it corresponds.
2. For each question, identify each person responding to any question contained in this Information Request on your behalf, as well as each person consulted in the preparation of a response.
3. For each question, identify each document consulted, examined, or referred to in the preparation of the response or that contains information responsive to the question, and provide a true and correct copy of each such document if not provided in response to another specific question. Indicate on each document produced in response to this Information Request the number of the question to which it corresponds.
4. If requested information or documents are not known or are not available to you at the time of your response to this Information Request, but later become known or available to you, you must supplement your response to the EPA. Moreover, should you find at any time after submission of your response that any portion is or becomes false, incomplete, or misrepresents the facts, you must provide the EPA with a corrected response as soon as possible.
5. Requested information can be submitted in electronic form or on a compact disc (CD) if applicable.



## **DEFINITIONS**

1. The term "document" means written documentation of any kind, including documentation solely in electronic form. It includes any document in the possession or control of the company or the possession or control of any person or entity hired by the company. A copy of a document rather than the original may be provided.
2. The terms "person" or "persons" shall have the meaning set forth in Section 302(e) of the CAA, 42 U.S.C. § 7602(e), and includes an individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency, department, or instrumentality of the United States and any officer, agent or employee thereof.
3. The terms "you" or "your", as used in each of the questions set forth in the attached Section 114 letter, refers to, and shall mean, the company or corporation with which each addressee of the attached Section 114 letter is affiliated, including its subsidiaries, divisions, affiliates, predecessors, successors, assigns, and its former and present officers, directors, agents, employees, representatives, attorneys, consultants, accountants and all other persons acting on its behalf.
4. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
5. "MFG Chemical" shall mean the company MFG Chemical, Inc., with facilities located at 1804 Kimberly Park Drive and at 453 Callahan Road in Dalton, Georgia.
6. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in the Clean Air Act or Title 40 of the Code of Federal Regulations (C.F.R.) in which case the statutory or regulatory definitions shall apply.





## **INFORMATION REQUEST**

You are hereby required, in accordance with Section 114(a) of the CAA, 42 U.S.C. § 7414(a), to provide the following information for GE Water and Process Technologies (GE).

1. Provide a copy of any contract between GE and MFG Chemical for the manufacturing or purchase of coagulant 129.
2. Provide a copy of any technical or safety documentation that GE maintains regarding any reaction to produce coagulant 129. Please indicate which of these documents were shared with MFG Chemical.
3. Provide a copy of any correspondence or electronic mail, including all attachments, between any representative of GE and any representative of MFG Chemical which contains any of the following key words: coagulant, maleic, peroxide, May 21, exotherm or explosion.
4. Provide a list of any company from which GE contracts to manufacture or purchase coagulant 129.





**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

**MAY 31 2013**

**UNITED PARCEL SERVICE**

Mr. Edward Barham  
Environmental Director  
Naval Air Station Key West  
Building A-626, Suite 103  
Langley Avenue  
Key West, Florida 33040-9007

Dear Mr. Barham:

The purpose of this letter is to request information as part of a U.S. Environmental Protection Agency investigation to determine the compliance status of Naval Air Station Key West (NASKW) located in Key West, Florida, with the requirements of the Clean Air Act (CAA). Section 114(a) of the CAA, 42 U.S.C. § 7414(a), authorizes the Administrator of the EPA to require any person who owns or operates an emission source, whom the Administrator believes may have information necessary for the purposes of Section 114(a), or who is subject to any requirement of the CAA, to provide such information as the Administrator may reasonably require for the purpose of carrying out any provision of the CAA. This authority has been duly delegated to the Director of the Air, Pesticides, and Toxics Management Division, Region 4.

Pursuant to Section 114(a), NASKW is directed to respond to the enclosed Information Request within thirty (30) days of your receipt of this letter, unless the EPA, for good cause shown, extends in writing, the deadline for responding to the request. Failure to respond, may result in an enforcement action being filed against you pursuant to Section 113 of the CAA, 42 U.S.C. § 7413. This statute permits the EPA to seek the imposition of penalties of up to \$37,500 per day of continued non-compliance with this request. Please be advised that submittal of false, fictitious or fraudulent statements or representations may subject you to criminal penalties under Section 113(c) of the CAA, 42 U.S.C. § 7413(c).

The information requested herein must be provided even though NASKW may contend that it includes possible confidential information or trade secrets. You may, if you desire, assert a confidentiality claim covering part or all of the information requested, pursuant to Section 114(c) of the CAA, 42 U.S.C. § 7414(c), and 40 CFR Part 2, Section 2.203(b), by attaching to such information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as trade secret, proprietary, or company confidential. Information covered by such a claim will be disclosed by the EPA only to the extent, and only by means of the procedures set forth in the statute and regulation identified above. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. You should read the above cited regulation carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

TRUMAN  
Annex ?



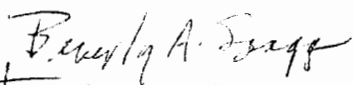
This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501 et seq.

Your response to this request for information should be mailed to:

~~Melvin Russell~~  
South Air Enforcement Section  
U.S. EPA, Region 4  
Atlanta Federal Center  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303

If you have questions regarding this Information Request, please contact Melvin Russell at (404) 562-9211.

Sincerely,

  
Beverly H. Banister  
Director  
Air, Pesticides, and Toxics  
Management Division

Enclosure: Information Request

cc: Mr. Jeff Littlejohn (w/enclosure)  
Deputy Secretary, Regulatory Programs,  
FLDEP

Mr. Brian Accardo (w/enclosure)  
Deputy Director, Division of Air Resource  
Management, FLDEP

Mr. Jeff Koerner (w/enclosure)  
Program Administrator, Office of  
Permitting and Compliance, DARM, FLDEP



ENCLOSURE

INFORMATION REQUEST

Instructions

1. Please provide a separate narrative response to each and every question set forth in this Information Request.
2. Precede each answer with the number of the question to which it corresponds.
3. If information or documents are unknown or unavailable to you at the time of your response to this Information Request, but later become known or available to you, you must supplement your response to EPA. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response.
4. For each document produced in response to this Information Request indicate on the document, or in some reasonable manner, the number of the question to which it responds.





## Definitions

All terms not defined herein shall have their ordinary meaning, unless such terms are defined in the Clean Air Act or 40 CFR in which case the statutory or regulatory definitions shall apply.

1. "You," "Naval Air Station Key West," or "NAS Key West" shall include the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors, assigns, and agents.
2. "Person" shall have the same definition as in Section 302(e) of the CAA, (i.e. an individual, corporation, partnership, association, State, and any agency, department, or instrumentality of the United States and any officer, agent, or employee thereof).
3. "Facility" means the manufacturing plant (including all physical structures) operated by Naval Air Station Key West.
4. "Document" means any object that contains, records, stores, or presents information, whether in paper, electronic or any other form.
5. "Identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
6. "Identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g. corporation, partnership, etc.), organization, if any, and a brief description of its business.
7. "Identify" means, with respect to a document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter.
8. "And" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
9. "New source" means any affected source the construction or reconstruction of which is commenced after September 17, 2007 by installing new paint stripping or surface coating equipment, and it had no paint stripping or miscellaneous surface coating activity prior to that date.
10. "Existing source" means any affected source that is not a new source.
11. "Refrigerant" means any substance consisting in part or whole of a class I or class II ozone-depleting substance that is used for heat transfer purposes and provides a cooling effect.
12. "Substitute" means any chemical or product, whether existing or new, that is used by any person as an EPA approved replacement for a class I or II ozone-depleting substance in a given refrigeration or air-conditioning end-use.



13. "Class I substance" refers to the controlled substances contained in the list found on EPA's website at the following address: <http://www.epa.gov/ozone/science/ods/classone.html>

14. "Class II substance" refers to the controlled substances contained in the list found on EPA's website at the following address: <http://www.epa.gov/ozone/science/ods/classtwo.html>

15. "Full charge" means the amount of refrigerant required for normal operating characteristics and conditions of the appliance as determined using one of the following four methods:

- a. Use the equipment manufacturer's determination of the correct full charge for the equipment;
- b. Determine the full charge by making appropriate calculations based on component sizes, density of refrigerant, volume of piping, and other relevant considerations;
- c. Use actual measurements of the amount of refrigerant added or evacuated from the appliance; and/or
- d. Use an established range based on the best available data regarding the normal operating characteristics and conditions for the appliance, where the midpoint of the range will serve as the full charge and where records are maintained in accordance with §82.166(q).

16. "Initial verification test" means, for the purposes of § 82.156(i), those leak tests that are conducted as soon as practicable after the repair is completed. An initial verification test, with regard to the leak repairs that require the evacuation of the appliance or portion of the appliance, means a test conducted prior to the replacement of the full refrigerant charge and before the appliance or portion of the appliance has reached operation at normal operating characteristics and conditions of temperature and pressure. An initial verification test with regard to repairs conducted without the evacuation of the refrigerant charge means a test conducted as soon as practicable after the conclusion of the repair work.

17. "Follow-up verification test" means, for the purposes of § 82.156(i), those tests that involve checking the repairs within 30 days of the appliance's returning to normal operating characteristics and conditions. Follow-up verification tests for appliances from which the refrigerant charge has been evacuated means a test conducted after the appliance or portion of the appliance has resumed operation at normal operating characteristics and conditions of temperature and pressure, except in cases where sound professional judgment dictates that these tests will be more meaningful if performed prior to the return to normal operating characteristics and conditions. A follow-up verification test with respect to repairs conducted without evacuation of the refrigerant charge means a reverification test conducted after the initial verification test and usually within 30 days of normal operating conditions. Where an appliance is not evacuated, it is only necessary to conclude any required changes in pressure, temperature or other conditions to return the appliance to normal operating characteristics and conditions.



## Information Request

### Ozone Depleting Regulations (40 CFR Part 82 Subpart F):

A. For the following requests, unless otherwise directed, please provide the requested information for the time period from July 1, 2011, to April 19, 2012. Provide the information for each appliance which contains a Class I or Class II refrigerant in an amount greater than 50 pounds.

1. The dates and results of all initial verification tests and include an explanation of the operating status of the appliance during each test.
2. The dates and results of all follow-up verification tests and include an explanation of the operating status of the appliance during each test.

B. For the following requests, unless otherwise directed, please provide the requested information for the time period from April 19, 2012, to present.

1. Provide the proper serial number for the unit that underwent repairs and subsequent replacement of the compressor as referenced in your January 31, 2013, response (i.e., is the correct serial number 1435 or 1436). If the repair and maintenance records referenced in your previous responses do not correctly identify the affected unit; provide the proper serial number and clarification in your response to this inquiry. Identify any Field Reports or other documentation that does not reference the proper serial number for the affected unit.

2. Provide the following information for the unit identified in Item B.1. above for the time period from April 19, 2012 to present. If you provided the information in a previous response, you need not provide a full response; you may reference the document, date, section, and/or page number.

- a. The date that any and all service was performed.
- b. The date each leak was discovered.
- c. A complete detailed description and date of all repair work done (if repairs were not conducted, state the reasons).
- d. The amount of refrigerant added at the completion of each repair or indicate if refrigerant was not added.
- e. The name of the technician who performed the work.
- f. Any documentation associated with leak rate calculations, and the calculated leak rate.
- g. The dates and results of all initial verification tests, and include an explanation of the operating status of the appliance during each test.
- h. The dates and results of all follow-up verification tests and include an explanation of the operating status of the appliance during each test prior to installation of the new compressor.



- i. Provide the amount of refrigerant needed for full charge of the unit being repaired.
- j. Provide the date on which the unit was fully charged prior refrigerant removal at the start of the compressor replacement process.
- k. Indicate the amount of refrigerant removed at the start of the compressor replacement process and the date of removal.
- l. If the unit on which the compressor was being replaced was not fully charged at the time of the start of the replacement process, please provide an explanation of the cause of the unit not being fully charged at that time; if the unit leaked refrigerant, provide the time period over which the leak occurred.
- m. Indicate the amount of refrigerant used to fully charge the unit after the installation of the new compressor and the date of charge.
- n. The dates and results of all initial and follow-up verification tests and explanation of the operating status of the unit at the time of testing, after installation of the new compressor.







UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

NOV 13 2012

**UNITED PARCEL SERVICE**  
**EMAIL VERIFICATION REQUESTED**

Mr. James E. Hattaway  
Associated Director  
National Aeronautics and Space Administration  
Mail Code: AA  
Kennedy Space Center, Florida 32899

Dear Mr. Hattaway:

The purpose of this letter is to request information as part of a U.S. Environmental Protection Agency investigation to determine the compliance status of the National Aeronautics and Space Administration's (NASA) facility located in Kennedy Space Center, Florida, with the Clean Air Act (CAA), 42 U.S.C. § 7401, *et seq.*, and NASA's Title V Air Operation Permit (permit #0090051-018-AV).

Section 114(a) of the CAA, 42 U.S.C. § 7414(a), authorizes the Administrator of the EPA to require any person who owns or operates an emission source, whom the Administrator believes may have information necessary for the purposes of Section 114(a), or who is subject to any requirement of the CAA, to provide such information as the Administrator may reasonably require for the purpose of carrying out any provision of the CAA. This authority has been duly delegated to the Director of the Air, Pesticides, and Toxics Management Division, Region 4.

Therefore, pursuant to Section 114(a) of the CAA, NASA is directed to respond to the enclosed Information Request within 30 (thirty) days of your receipt of this letter (Enclosure A). Instructions and definitions are provided in Enclosure A to assist you in responding to this Information Request as completely as possible. The response must be delivered to the EPA or postmarked no later than the above deadline. Send one complete copy of your response, including supporting documentation, to the following address:

Ms. Lornette Harvey  
Air and EPCRA Enforcement Branch  
South Air Enforcement Section  
U.S. EPA, Region 4  
Atlanta Federal Center  
61 Forsyth Street, SW  
Atlanta, Georgia 30303

All information submitted pursuant to this information request must be accompanied by the Statement of Certification which is provided in Enclosure B. A responsible official with sufficient knowledge and authority must certify that all information submitted in response to this request is true, accurate, and complete. Also, please submit a copy of your response to the Florida Department of Environmental Protection (FDEP), Central District Office, the agency that issued NASA's Title V permit.



Failure to fully respond or provide the information required may result in the issuance of an Order requiring compliance with the requirements contained herein or the initiation of an enforcement action pursuant to Section 113 of the CAA, 42 U.S.C. § 7413. This may include civil and/or administrative penalties of up to \$37,500 per day of noncompliance, pursuant to Sections 113(b) and (d) of the CAA, 42 U.S.C. § 7413(b) and (d).

You are entitled to assert a claim of business confidentiality covering all or part of any required information in the manner described at 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth at 40 C.F.R. Part 2, Subpart B. Unless a confidentiality claim is asserted at the time the required information is provided, the EPA may make this information available to the public without further notice to you. Notwithstanding the above, the information you provide may be used by the EPA in administrative, civil, and criminal proceedings.

This request is exempt from the requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501 *et seq.*, because it seeks the collection of information by an agency from specific individuals or entities as part of an administrative action or investigation.

The EPA recognizes that this request for information is lengthy and would be pleased to work with you and hear any suggestions you may have regarding how to provide the EPA with the information it needs to fully evaluate these issues with minimal disruption of your normal activities. If you have any questions relating to this Information Request, you may consult with the EPA prior to the time specified above. Questions should be directed to Ms. Lornette Harvey at (404) 562-8386 or by electronic mail at harvey.lornette@epa.gov.

Thank you for your cooperation in this matter.

Sincerely,

Beverly H. Banister  
Director  
Air, Pesticides, and Toxics  
Management Division

Enclosures

cc: Jeff Littlejohn (w/enclosures), FDEP  
Brian Accardo (w/enclosures), FDEP  
Jeff Koerner (w/enclosures), FDEP  
Caroline Shine, (w/enclosures), FDEP, Central District Office



**ENCLOSURE A**  
**INFORMATION REQUEST**

**A. INSTRUCTIONS**

1. Please provide a separate narrative response to each question and subpart of a question set forth in this Information Request and precede each answer with the number of the question to which it corresponds.
2. If requested information or documents are not known or are not available to you at the time of your response to this Information Request, but later known or available to you, you must supplement your response to EPA. Moreover, should you find at any time after submission of your response that any portion is or becomes false, incomplete, or misrepresents the facts, you must provide EPA with a corrected response as soon as possible.
3. Requested information can be submitted in electronic form if applicable.
4. Where specific information has not been memorialized in a document, but is nonetheless responsive to a Request, you must respond to the Request with a written response.
5. The information requested herein must be provided even though NASA may contend that it includes possible confidential business information or trade secrets. You may, if you desire, assert a confidentiality claim covering part or all of the information requested, pursuant to Section 114(c) of the CAA, 42 U.S.C. § 7414(c), and 40 C.F.R. § 2.203(b), by attaching to such information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret", or "proprietary," or "company confidential." Information covered by such a claim will be disclosed by EPA only to the extent, and only by means, of the procedures set forth in the statute and regulation identified above. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you. You should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

**B. DEFINITIONS**

1. "Act" means the Clean Air Act, as amended, 42 U.S.C. § 7401, *et seq.*
2. "Document" means written documentation of any kind, including documentation solely in electronic form. It includes any document in the possession or control of National Aeronautics and Space Administration (NASA), or the possession or control of any person or entity hired by NASA. A copy of a document rather than the original may be provided.



3. The term "person" or "persons", shall have the meaning set forth in Section 302(e) of the Act, 42 U.S.C. § 7602(e), and includes an individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency, department, or instrumentality of the United States and any officer, agent or employee thereof.
4. The terms "relate to" or "pertain to" (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.
5. "NASA" means the National Aeronautics and Space Administration located at Kennedy Space Center, Florida, 32899.
6. "Facility" means the entire manufacturing facility (including all physical structures, contractors, subcontractors, operations, and processes under NASA's control) located at Kennedy Space Center, Florida, 32899.
7. "Aerospace vehicle or components" means any fabricated part, processed part assembly of parts, or completed unit, with the exception of electronic components, of any aircraft including but not limited to airplanes, helicopters, missiles, rockets, and space vehicles.
8. "Criteria pollutants" means Particulate Matter (PM), Carbon Monoxide (CO), Nitrogen Oxides (NOx), Sulfur Dioxide (SO<sub>2</sub>), and Lead (Pb).
9. "Coating" means a material that is applied to the surface of an aerospace vehicle or component to form a decorative, protective, or functional solid film, or the solid film itself.
10. "Construction" means the on-site fabrication, erection, installation of an affected source. Construction does not include the removal of all equipment comprising an affected source from an existing location and reinstallation of such equipment at a new location. The owner or operator of an existing affected source that is relocated may elect not to reinstall minor ancillary equipment including, but not limited to, piping, ductwork, and valves. However, removal and reinstallation of an affected source will be construed as reconstruction if it satisfies the criteria for reconstruction as defined in this section. The costs of replacing minor ancillary equipment must be considered in determining whether the existing affected source is reconstructed.
11. "Depainting" means the removal of a permanent coating from the outer surface of an aerospace vehicle or component, whether by chemical or non-chemical means. For non-chemical means, this definition excludes hand and mechanical sanding, and any other non-chemical removal processes that do not involve blast media or other mechanisms that would result in air borne particle movement at high velocity.





12. "Depainting operation" means the use of a chemical agent, media blasting, or any other technique to remove permanent coatings from the outer surface of an aerospace vehicle or components. The depainting operation includes washing of the aerospace vehicle or component to remove residual stripper, media, or coating residue.
13. "Emission unit" means any part or activity of a stationary source that emits or has the potential to emit any regulated air pollutant or any pollutant listed under Section 112(b) of the Act. This term is not meant to alter or affect the definition of the term "unit" for purposes of title IV of the Act.
14. "Engine Test Cell/Stand" means any apparatus used for testing uninstalled stationary or uninstalled mobile (motive) engines.
15. "Facility" means the entire manufacturing facility (including all physical structures and processes operated by subcontractors) located at the Kennedy Space Center, Florida.
16. "Heat input" means heat derived from combustion of fuel in a steam generating unit and does not include the heat derived from preheated combustion air, recirculated flue gases, or exhaust gases from other sources (such as stationary gas turbines, internal combustion engines, and kilns).
17. "Maximum design heat input capacity" means the ability of a steam generating unit to combust.
18. "HAPs" means hazardous air pollutants, any air pollutant listed in or pursuant to Section 112(b) of the Act.
19. "Potential to Emit" means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is enforceable by the Administrator. This term does not alter or affect the use of this term for any other purposes under the Act, or the term "capacity factor" as used in title IV of the Act or the regulations promulgated thereunder.
20. "Reconstruction", unless otherwise defined in a relevant standard, means the replacement of components of an affected or a previously nonaffected source to such an extent that: (1) The fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable new source; and (2) It is technologically and economically feasible for the reconstruction source to meet the relevant standard(s) established by the Administrator (or a State) pursuant to section 112 of the Act. Upon reconstruction, an affected source, or a stationary source that becomes an affected source, is subject to relevant standards for new sources, including compliance dates, irrespective of any change in emissions of hazardous air pollutants from that source.



21. "Space vehicle" means a man-made device, either manned or unmanned, designed for operation beyond earth's atmosphere. This definition includes integral equipment such as models, mock-ups, prototypes, molds, jigs, tooling, hardware jackets, and test coupons. Also included is auxiliary equipment associated with test, transport, and storage, which through contamination can compromise the space vehicle performance.
22. "VOC" means volatile organic compounds, any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions.
23. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in the Clean Air Act or 40 C.F.R. in which case the statutory or regulatory definitions shall apply.

### **C. INFORMATION REQUEST**

1. Provide a copy of NASA's most recent State of Florida issued Title V operating permit.
2. Provide a copy of NASA's most recent Title V permit application and any construction permits for new, reconstructed, or existing air emission sources since start up of the facility.
3. Provide a site map identifying NASA's property boundary and include the location of all contractors and subcontractors located on the property with processes that have the potential to emit HAPs.
4. Provide a list of all contractors and subcontractors located on NASA's property conducting processes or operations with the potential to emit HAPs.
5. Provide a list of all applicable North American Industry Classification System (NAICS) codes and Standard Industrial Classification (SIC) codes for processes conducted at NASA's facility either by NASA or their contractors and subcontractors.
6. Provide a process flow diagram showing all of the facility's operations and processes, and the air emission units including any air emission control devices. If processes are performed by contractors and subcontractors, please indicate the name and location of each contractor and subcontractor.
7. Provide a list of all the air emission units at the facility including a detailed description of each process associated with the air emission units and indicate which ones emit or have the potential to emit:
  - a. VOCs and/or HAPs; and
  - b. Criteria pollutants.



8. Provide documents that indicate the date (day, month and year) that construction commenced and/or the operation startup date for each air emission unit listed in #7 above.
9. For each process associated with the air emission units listed in #7 above, please provide:
  - a. A list of raw materials used in the process;
  - b. The quantity of raw materials (in pounds or gallons) used each month;
  - c. A copy of the purchase records for all HAP and VOC containing raw materials;
  - d. The quantity and description of finished product manufactured from the process; and
  - e. For each raw material listed, the material safety data sheets (MSDS), formulation data (provided by the manufacturer), or test data used to determine the VOC, HAP, or criteria pollutant content.
10. Provide the facility's HAP, VOC and criteria pollutant potential to emit (PTE) air emission rate (in tons per year), and include the calculations and methods used to determine the PTE.
11. Provide a list of all types of aerospace vehicles or components and any type of space vehicles, non-aerospace vehicles, satellites, rockets, aircrafts, and any other equipment that are manufactured, constructed, reconstructed, reworked, or otherwise processed at the facility. Include the following information with the list:
  - a. The initial start date (month, day, year) of the process;
  - b. The amount of items processed each year;
  - c. A description of each process from start (receipt of the item) to finish (process completion);
  - d. A list of raw materials used in the process; and
  - e. The estimated amount of raw materials used in the each process.
12. For each raw material used in the processes at the facility, please indicate whether the material is:
  - a. A coating, thinner and/or other additive;
  - b. A cleaning material;
  - c. An adhesive material or coating;
  - d. An abrasive blasting material; or
  - e. Any other way that may create a VOC, HAP, or Criteria Pollutant emission.
13. For all steam generating units (hot water generators/boilers), please provide the following information:
  - a. The date (month, day, year) the unit was constructed and/or installed;
  - b. Each date (month, day, year) the unit was reconstructed;
  - c. The annual operating schedule for each unit (including copies of operating records maintained for the previous 5 years to present);



- d. The maximum design heat input capacity for each unit (include a copy of the unit's engineering specification and engine certification);
  - e. Monitoring records maintained for each unit for the previous 5 years to present;
  - f. The type of fuels used in the units (including copies of fuel usage records maintained for the previous 5 years to present);
  - g. Copies of the initial emission performance tests and any performance test performed within the last 5 years for each unit; and
  - h. The maintenance records for each unit for the previous 5 years to present.
14. For all compression ignition and spark ignition stationary internal combustion engines, please provide the following information:
- a. The date (month, day, year) the engine was construction and/or installed;
  - b. Each date (month, day, year) the engine was reconstructed, including a description of the reconstruction;
  - c. The maximum engine power for each engine (including a copy of engineering specifications and certification for each);
  - d. The type of fuels used in the engines (including fuel usage records maintained for the previous 5 years to present);
  - e. The annual operating schedule for each engine (including copies of operating records maintained for the previous 5 years to present);
  - f. Copies of monitoring records maintained for each engine for the previous 5 years to present; and
  - g. The maintenance and repair records for each engine for the previous 5 years to present.
15. For all process ovens, kilns, blast furnaces, and other drying and heating equipment used in processes at the facility, please provide the following information:
- a. A description of oven, kiln, blast furnace, or other drying/heating equipment;
  - b. A copy of the engineering specifications;
  - c. The installation date;
  - d. Each reconstruction date;
  - e. The process description used with each oven, kiln, blast furnace or drying/heating equipment;
  - f. A list of raw materials used in the process;
  - g. Hours of operation (including copies of any logs maintained for previous 5 years to present);
  - h. Copies of monitoring records (such as temperature readings, gas flow amounts, and pressure measurements) maintained for the previous 5 years to present; and
  - i. Maintenance and repair records maintained for previous 5 years to present.
16. For each abrasive blasting medium, provide the following information since startup of operation:





- a. The date (including month, day and year) the material was first used in the process;
- b. The amount of abrasive blasting medium consumed on a monthly basis and in each consecutive 12-month period (for the previous 5 years to present);
- c. The amount of abrasive blasting hours on a monthly basis and in each consecutive 12-month period (for the previous 5 years to present);
- d. The amount of welding electrodes and/or medium consumed on a monthly basis and in each consecutive 12-month period (for the previous 5 years to present);
- e. The total PM and PM10 emission rate in tons per month and tons per year for each consecutive 12-month period for the last 5 years; and
- f. The method used to determine the requested information for question #16a through #16f above and including a copy of the documentation to substantiate NASA's response.

17. For each engine test cell/stand used at the facility, please provide the following information:

- a. The installation and/or startup date (month, day, and year) of each unit;
- b. Each reconstruction or modification date of each unit;
- c. The type of engines (including horsepower rating) for testing the test cell/stand;
- d. A description of any continuous parameter monitoring system (CPMS) or continuous emission monitoring system (CEMS) used with the each unit;
- e. A copy of any monitoring or testing records maintained for each unit for the previous 5 years to present; and
- f. A description of any control device used to control the air emissions from the engine test cell/stand and the destruction efficiency (DE) of the device.

18. For each depainting operation conducted at the facility, please provide the following information:

- a. The number of depainting operations conducted at the facility within the last 5 years;
- b. The initial startup date (month, day, year) of each operation;
- c. How many aerospace vehicles are processed annually in the operation within last 5 years;
- d. A list of raw materials used in the operations (include MSDSs); and
- e. A description of any control devices that are used to control air emissions from each operation.

19. Provide copies of actual air emission rate for the entire facility for the previous 5 years to present which includes:

- a. The annual emission rate (tons per year) for criteria pollutants (PM, SO<sub>2</sub>, NO<sub>x</sub>, CO and Pb) including the calculations used to determine the amount;
- b. Consecutive 12-month total of VOC emissions including the calculations used to determine the amount;



- c. Consecutive 12-month total of total HAP emissions including the calculations used to determine the amount; and
  - d. Consecutive 12-month total of individual HAP emissions including the calculations used to determine the amount.
20. Provide a list of all the air emission control devices (such as fabric filters, electrostatic precipitators, wet scrubbers, cyclones, thermal oxidizers, flares, catalytic reactors, carbon absorbers, absorption towers, emission control hoods or vents and biofilters) used at the facility. Include the following information with the list of devices:
- a. The installation date (month, day, and year) of the device;
  - b. A copy of the engineering and/or design specification for the device;
  - c. A list of the air pollutants (such as HAP, VOC, or criteria pollutants) that the device is used to control;
  - d. The type of fuel used in each device (including annual fuel usage rate and copies of documents showing usage, maintained for the previous 5 years to present);
  - e. The destruction efficiency (DE) for the device and the method used to determine it (include any supporting documentation such as stack or performance test);
  - f. Any monitoring records or computer charts for operating information and parameter monitoring collected (e.g., temperature and pressure) for the device for the last 5 years;
  - g. A description of how the device is maintained, including copies of maintenance records;
  - h. Copies of permit applications or notifications to FDEP concerning the device, if applicable; and
  - i. Any Startup, Shutdown, and Malfunction (SSM) plans and reports (copies of reports maintained for the previous 5 years to present) for the device.
21. Provide information for any other method used by the facility to demonstrate compliance with the air emission limits as required in the facility's Title V permit, for the last 5 years. Also, specifically identify the method used for each emission unit to demonstrate compliance.
22. Provide copies for all monthly logs (for previous 5 years to present) used by the facility to comply with the recordkeeping and reporting requirements listed in the facility's Title V permit.
23. Provide copies of all emission tests (such as visible emission/Method 9 and performance tests for newly installed, constructed, or reconstructed processes or control equipment) used by the facility to comply with the Title V permit requirements (for previous 5 years to present) applicable for any process at the facility.



## **ENCLOSURE B**

### **STATEMENT OF CERTIFICATION**

**I certify that I have personally examined and am familiar with, the statements and information submitted in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true, correct, accurate, and complete.**

**Date:**

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**Signature:**

---

**Title**

---





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

JUN 21 2013

UNITED PARCEL SERVICES

Mr. Thomas G. Eubank  
Safety, Health & Environmental Manager  
Lucite International, Inc.  
2665 Fite Road  
Memphis, Tennessee 38127

Dear Mr. Eubank:

The U.S. Environmental Protection Agency, Region 4 hereby requires Lucite International, Inc. to provide information regarding its Memphis, Tennessee facility. The agency requires this information in order to complete its compliance evaluation that started during the November 8, 2011, inspection.

Therefore, pursuant to Section 114(a) of the Clean Air Act (the Act), 42 U.S.C. Section 7414(a), as amended, you are hereby required to respond to the Information Request enclosed herein as Enclosure B. The response to the information requested must be accompanied by the enclosed Statement of Certification (Enclosure C), which is to be signed by a responsible official of Lucite International, Inc. Submit your response within **thirty (30)** days of receipt of this letter to the following:

Air and EPCRA Enforcement Branch  
U.S. Environmental Protection Agency  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303  
Attn: Sharron Porter

Please be advised that failure to comply with the above requirements within the specified time frame will constitute a violation of Section 114(a) of the Act and may result in the referral of this matter to the U.S. Attorney for the commencement of civil action for injunctive relief and the assessment of civil penalties pursuant to Section 113(b) of the Act.

Under 40 C.F.R. Part 2, Subpart B, you may assert a claim of business confidentiality for any portion of the submitted information. You must specify the page, paragraph, and sentence when identifying the information subject to your claim. Enclosure A specifies the assertion and substantiation requirements for business confidentiality claims and notifies you that the EPA intends to disclose information for which a claim of business confidentiality has been asserted to an authorized contractor for technical review, analysis, and evaluation support.

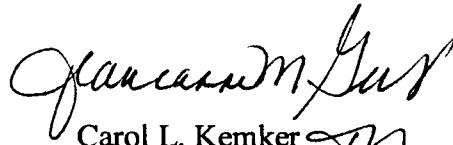
This Information Request is not subject to the approval requirement of the Paperwork Reduction Act of 1980, 44 U.S.C. §3501 et seq.





If you have questions regarding this Information Request, please contact Ms. Sharron Porter at (404) 562-9172.

Sincerely,

A handwritten signature in black ink, appearing to read "Carol L. Kemker".

Carol L. Kemker  
Acting Director  
Air, Pesticides and Toxics  
Management Division

Enclosures

cc: Robert Rogers, P. E. (w/enclosures)  
Technical Manager  
Pollution Control Section  
814 Jefferson Avenue  
Memphis, Tennessee 38105



## **Enclosure A**

### **Confidential Business Information (CBI)**

You may assert a business confidentiality claim covering all or part of the information you provide in response to this information request for any business information entitled to confidential treatment under Section 114(c) of the Clean Air Act (the Act), 42 U.S.C. § 7414, and 40 C.F.R. Part 2, subpart B. Under Section 114(c) of the Act, you are entitled to confidential treatment of information that would divulge methods or processes entitled to protection as trade secrets. Under 40 C.F.R. Part 2, subpart B, business confidentiality means "the concept of trade secrecy and other related legal concepts which give (or may give) a business the right to preserve the confidentiality of business information and to limit its use or disclosure by others in order that the business may obtain or retain business advantages it derives from its rights in the information." See 40 C.F.R. § 2.201(e).

Information covered by a claim of business confidentiality will be disclosed by EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Act and 40 C.F.R. Part 2, subpart B. The EPA will construe your failure to furnish a business confidentiality claim with your response to this information request as a waiver of that claim, and the information may be made available to the public without further notice to you.

To assert a business confidentiality claim, you must place on, or attach to, all information you desire to assert as business confidential either a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential" at the time you submit your response to this information request. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and may be submitted separately to facilitate identification and handling by EPA. You should indicate if you desire confidential treatment only until a certain date or until the occurrence of a certain event.

The criteria the EPA will use in determining whether material you claim as business confidential is entitled to confidential treatment are set forth at 40 C.F.R. §§ 2.208 and 2.301. These regulations provide, among other things, that you must satisfactorily show that: (1) the information is within the scope of business confidentiality as defined at 40 C.F.R. § 2.201(e), (2) that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, (3) the information is not and has not been reasonably obtainable by legitimate means without your consent, and (4) the disclosure of the information is likely to cause substantial harm to your business's competitive edge. See 40 C.F.R. § 2.208 (a)-(d). Emission data, as defined at 40 C.F.R. § 2.301(a)(2), is expressly not entitled to confidential treatment under 40 C.F.R. Part 2, subpart B. See 42 U.S.C. § 7414(c); 40 C.F.R. § 2.301(e).

If you assert a claim of business confidentiality in connection with information and documents forwarded in response to this request for information, in accordance with 40 C.F.R. § 2.204(e)(4), EPA is requesting that you answer the following questions with respect to any information or document for which you assert a claim of business confidentiality:



1. What specific portions of the information are alleged to be entitled to confidential treatment? Specify by page, paragraph, and sentence when identifying the information subject to your claim.
2. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, specify that event. Additionally, explain why the information should be protected for the time period you've specified.
3. What measures have you taken to protect the information claimed as confidential from undesired disclosure? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity whether disclosure of the information is likely to result in substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
7. Is there any other explanation you deem relevant to the Agency's determination of your business confidentiality claim that is not covered in the preceding questions? If so, you may provide such additional explanation.

You must furnish comments to the above questions concurrent with your response to this information request if you have claimed any information as business confidential. See 40 C.F.R. § 2.204(e)(2). Pursuant to 40 C.F.R. § 2.205(b)(2), you may request an extension of this deadline. The EPA will construe your failure to furnish timely comments as a waiver of your confidentiality claim, consistent with 40 C.F.R. § 2.204(e)(1). Please submit your comments to:



Air and EPCRA Enforcement Branch  
U.S. Environmental Protection Agency  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303  
Attn: Sharron Porter

Pursuant to 40 C.F.R. § 2.205(c), you are hereby advised that information you submit as part of your comments may be regarded by the EPA as entitled to confidential treatment if, when it is received by the Agency, it is marked in accordance with 40 C.F.R. § 2.203(b). As required by 40 C.F.R. § 2.204(e)(6), you may assert a business confidentiality claim covering all or part of your response to these questions, as provided in 40 C.F.R. § 2.203(b). Information covered by such a claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Clean Air Act (the Act) and 40 C.F.R. Part 2. The EPA will construe the failure to furnish a confidentiality claim with your comments as a waiver of that claim, and the information may be made available to the public without further notice to you.

Pursuant to 40 C.F.R. §2.301(h)(2)(iii), you are further advised that to assist in its review and analysis of the submitted information, the EPA intends to share this information with an EPA contractor. Pursuant to 40 C.F.R. §2.301(h), the EPA possesses the authority to disclose information otherwise entitled to confidential treatment to any authorized representative of the United States approved to receive and review information subject to a business confidentiality claim. Pursuant to 40 C.F.R. §2.301(h)(2)(iii), the EPA is notifying you that the Agency intends to disclose information for which you may assert a business confidentiality claim to the Eastern Research Group, Inc. (ERG) under contract number EP-W-11-004, to provide EPA with technical review, analysis, and evaluation support. You may submit comments to the EPA with your response to this Request to Provide Information Pursuant to the Clean Air Act or within five (5) working days of your response. Please submit your comments to the above EPA Staff member.





## **Enclosure B**

### **Request to Provide Information**

In accordance with the foregoing Request to Provide Information Pursuant to the Clean Air Act, Lucite International, Inc. must provide the following information within thirty (30) days of its receipt of this request. The EPA requests that the requested non-narrative information be provided in spreadsheet format, preferably in Excel.

#### **Definitions**

“Pilot Gas” means gas injected at a flare tip to maintain a flame.

“Purge Gas” or “Sweep Gas” means all gas introduced prior to the Flare tip to protect against oxygen buildup in the Flare header and/or to maintain a constant flow of gas through the flare and out the tip.

“Supplemental Gas” means all gas introduced to raise the heating value of Waste Gas.

“Vent Gas” means all gases found just prior to the flare tip. This gas includes all Waste Gas, Purge Gas, Supplemental Gas, nitrogen and hydrogen, but does not include Pilot Gas or steam.

“Waste Gas” means all gases routed to a flare for combustion, excluding Purge Gas, Supplemental Gas, Pilot Gas, and steam.

1. For each day beginning on January 1, 2006, through January 1, 2008, and from July 9, 2012, through the date of this letter, list the periods of time (date, start time, and end time) that Waste Gas, Purge Gas, and/or Supplemental Gas was routed to the Methyl Methacrylate (MMA) Process Flare and the Acrylic Sheeting Manufacturing Process Flare at the Memphis, Tennessee facility (i.e., “venting periods”).
2. For each venting period listed in response to paragraph 1 above, provide the average heating value, in British Thermal Units per standard cubic foot (BTU/scf), of the stream that was vented to the MMA Process Flare and the Acrylic Sheeting Manufacturing Process Flare. The averaging time shall not be greater than one hour. If the heating value is not measured, you shall use the best means available to estimate it. Provide a narrative explanation and example calculations describing how you arrived at your response.
3. For each venting period listed in response to paragraph 1 above, provide the average mass flow rate of the Vent Gas, in pounds per hour (lb/hr), that was vented to the MMA Process Flare and the Acrylic Sheeting Manufacturing Process Flare. The averaging time shall be no more than one hour. If the mass flow rate is not measured, you shall use the best means available to estimate it. Provide a narrative explanation and example calculations describing how you arrived at your response.



4. For each venting period listed in response to paragraph 1 above, provide the average rate at which steam and/or air was being added to the MMA Process Flare and the Acrylic Sheeting Manufacturing Process Flare, in lb/hr for steam and/or standard cubic feet per hour (scf/hr) for air, at all locations on the MMA Process Flare and the Acrylic Sheeting Manufacturing Process Flare (i.e., the sum of seal, upper, lower, winterizing, etc.) during each venting period. The averaging time shall not be greater than one hour. If the steam and/or air flow is not measured, you shall use the best means available to estimate it. Provide a narrative explanation and example calculations, if appropriate, describing how you arrived at your response.
5. For each venting period listed in response to paragraph 1 above, provide the average steam-to-Vent Gas or air-to-Vent Gas ratio (pound of steam per pound of Vent Gas or standard cubic feet of air per pound of Vent Gas) during any release to the MMA Process Flare and the Acrylic Sheeting Manufacturing Process Flare. The averaging time shall be no more than one hour. Provide a narrative explanation and example calculations, if appropriate, describing how you arrived at your response.
6. Provide a one-hour average of the concentration of each constituent in the Vent Gas during venting periods for the dates beginning one month prior to your receipt of this request, until the date of your receipt of this request.
7. Provide a list of the primary constituents in the Vent Gas routed to the MMA Process Flare and the Acrylic Sheeting Manufacturing Process Flare for venting periods since January 1, 2006, and an estimated range of each constituent's concentration. Except for the period specified in paragraph 6, you need not determine the exact concentration of all compounds for each period of time, but only the most prominent compounds and an approximate range of concentration.
8. For the MMA Process Flare and the Acrylic Sheeting Manufacturing Process Flare, provide the minimum steam or air addition rate, in lb/hr for steam and/or scf/hr for air, at all locations on the flare (seal, upper and lower). To the extent that the minimum steam or air addition rate changes on a seasonal basis, state the minimum rate for each season and the time periods during which each season's minimum rate applies.
9. Provide copies of any and all documents in your possession, custody, or control that prescribe or recommend the amount of steam or air to be added to the MMA Process Flare and the Acrylic Sheeting Manufacturing Process Flare. Provide a copy of the entire document if, within the document, it states the maximum steam or air rate, minimum steam or air rate, steam or air addition rate associated with a vent scenario, general steam-to-vent gas or air-to-organic gas/vent gas ratio, or any other reference to steam addition.
10. For the MMA Process Flare and the Acrylic Sheeting Manufacturing Process Flare, state with specificity which, if any, federal and/or state regulations regulate/apply to the MMA Process Flare and the Acrylic Sheeting Manufacturing Process Flare. If the MMA Process Flare and the Acrylic Sheeting Manufacturing Process Flare is listed in a permit issued under federal and/or state regulations, provide an electronic copy, preferably in "PDF", of each currently effective



permit.

11. For the MMA Process Flare and the Acrylic Sheeting Manufacturing Process Flare, state whether the flare is configured to receive gases/vapors from one or more pressure relief device(s), which is a safety device used to prevent operating pressures from exceeding the maximum allowable working pressure of the process equipment.
12. For the MMA Process Flare and the Acrylic Sheeting Manufacturing Process Flare, state whether the flare and its associated closed vent system is used as the method of compliance with any federal regulation, including without limitation, the Standards of Performance for New Stationary Sources found at 40 C.F.R. Part 60, the National Emission Standards for Hazardous Air Pollutants found at 40 C.F.R. Part 61, and the National Emission Standards for Hazardous Air Pollutants for Source Categories found at 40 C.F.R. Part 63, (specifically including without limitation any leak detection and repair (LDAR) provisions promulgated under these Parts such as 40 C.F.R. § 60.482-4(c), or 40 C.F.R. § 63.165(c)). In each such case, identify the process unit or equipment that is/are the "affected facility" under the applicable Part and the specific Subpart that applies to the "affected facility."



## **ENCLOSURE C**

This is to be signed and dated by a duly authorized official of Lucite International, Inc.

### **STATEMENT OF CERTIFICATION**

I hereby certify that the foregoing responses and information provided to the EPA in response to its Clean Air Act, Section 114, Information Request were prepared under my direction or supervision and that I have personal knowledge of all matters set forth in the responses and the accompanying information or that I consulted with individuals having personal knowledge (note, please identify such individuals). I certify that the responses are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

---

Signature and Date

---

Printed Name and Title







UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

ATLANTA FEDERAL CENTER

61 FORSYTH STREET

ATLANTA, GEORGIA 30303-8960

JUN 21 2013

UNITED PARCEL SERVICE

Glenn D. Murphy  
VP Engineering & Loss Control  
Starr Technical Risks Agency, Inc.  
399 Park Avenue; 9th Floor  
New York, New York 10022

MFG Chemical

Dear Mr. Murphy:

The purpose of this letter is to request information as part of a U.S. Environmental Protection Agency Clean Air Act (CAA) compliance investigation. Section 114(a) of the CAA, 42 U.S.C. § 7414(a), authorizes the Administrator of the EPA to require any person who owns or operates an emission source, whom the Administrator believes may have information necessary for the purposes of Section 114(a), or who is subject to any requirement of the CAA, to provide such information as the Administrator may reasonably require for the purpose of carrying out any provision of the CAA. This authority has been duly delegated to the Director of the Air, Pesticides, and Toxics Management Division, Region 4.

Therefore, pursuant to Section 114(a) of the CAA, Starr Technical Risks Agency, Inc. (Starr), is directed to respond to the enclosed Information Request **within fifteen (15) days** of your receipt of this letter, unless the EPA, for good cause shown, extends in writing the deadline for responding to the request. You should respond to this Information Request as completely as possible. The response must be delivered to the EPA or postmarked no later than the above deadline. Send one complete copy of your response, including supporting documentation, to the following address:

Mr. Todd Groendyke  
Air and EPCRA Enforcement Branch  
U.S. EPA, Region 4  
Atlanta Federal Center  
61 Forsyth Street, SW  
Atlanta, Georgia 30303

Failure to provide the information required may result in the issuance of an Order requiring compliance with the requirements contained herein, or the initiation of a civil action pursuant to Section 113 of the CAA, 42 U.S.C. § 7413. This may include civil and/or administrative penalties of up to \$37,500 per day of noncompliance, pursuant to Sections 113(b) and (d) of the CAA, 42 U.S.C. § 7413(b) and (d).

You are entitled to assert a claim of business confidentiality covering all or part of any required information, in the manner described at 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures

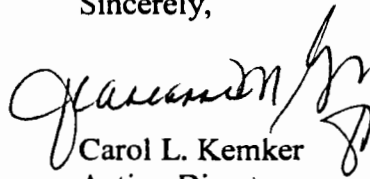


set forth at 40 C.F.R. Part 2, Subpart B. Unless a confidentiality claim is asserted at the time the required information is provided, the EPA may make this information available to the public without further notice to you. Notwithstanding the above, the information you provide may be used by the EPA in administrative, civil and criminal proceedings.

This request is exempt from the requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501 et seq., because it seeks the collection of information by an agency from specific individuals or entities as part of an administrative action or investigation.

If you have any questions relating to this Information Request, you may consult with the EPA prior to the time specified above. Questions should be directed to Mr. Todd Groendyke at (404) 562-8262. Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Carol L. Kemker", with a stylized flourish at the end.

Carol L. Kemker  
Acting Director  
Air, Pesticides, and Toxics  
Management Division

Enclosure



## **ENCLOSURE**

### **INSTRUCTIONS**

1. Please provide a separate response to each question and subpart of a question set forth in this Information Request and precede each answer with the number of the question to which it corresponds.
2. For each question, identify each person responding to any question contained in this Information Request on your behalf, as well as each person consulted in the preparation of a response.
3. For each question, identify each document consulted, examined, or referred to in the preparation of the response or that contains information responsive to the question, and provide a true and correct copy of each such document if not provided in response to another specific question. Indicate on each document produced in response to this Information Request the number of the question to which it corresponds.
4. If requested information or documents are not known or are not available to you at the time of your response to this Information Request, but later become known or available to you, you must supplement your response to the EPA. Moreover, should you find at any time after submission of your response that any portion is or becomes false, incomplete, or misrepresents the facts, you must provide the EPA with a corrected response as soon as possible.
5. Requested information can be submitted in electronic form or on a compact disc (CD) if applicable.



## **DEFINITIONS**

1. The term "document" means written documentation of any kind, including documentation solely in electronic form. It includes any document in the possession or control of the company or the possession or control of any person or entity hired by the company. A copy of a document rather than the original may be provided.
2. The terms "person" or "persons" shall have the meaning set forth in Section 302(e) of the CAA, 42 U.S.C. § 7602(e), and includes an individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency, department, or instrumentality of the United States and any officer, agent or employee thereof.
3. The terms "you" or "your", as used in each of the questions set forth in the attached Section 114 letter, refers to, and shall mean, the company or corporation with which each addressee of the attached Section 114 letter is affiliated, including its subsidiaries, divisions, affiliates, predecessors, successors, assigns, and its former and present officers, directors, agents, employees, representatives, attorneys, consultants, accountants and all other persons acting on its behalf.
4. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
5. "MFG Chemical" shall mean the company MFG Chemical, Inc., with facilities located at 1804 Kimberly Park Drive and at 453 Callahan Road in Dalton, Georgia.
6. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in the Clean Air Act or Title 40 of the Code of Federal Regulations (C.F.R.) in which case the statutory or regulatory definitions shall apply.





## **INFORMATION REQUEST**

You are hereby required, in accordance with Section 114(a) of the CAA, 42 U.S.C. § 7414(a), to provide the following information for Starr.

1. Provide a copy of any audit, inspection, risk analysis, survey, or other report, including all attachments, pertaining to MFG Chemical.
2. Provide a copy of any correspondence or electronic mail, including all attachments, between any employee or representative of Starr and any employee or representative of MFG Chemical from January 1, 2012, to present.





**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

**AUG 12 2013**

**UNITED PARCEL SERVICE**

Mr. David Lowery  
President  
Precision Optical Plating Inc.  
1749 Northgate Blvd  
Sarasota, FL 34234

Dear Mr. Lowery:

The U. S. Environmental Protection Agency hereby requires that Precision Optical Plating, Inc., (Precision) provide information as part of an EPA investigation to determine the compliance status of the company with the National Emission Standards for Hazardous Air Pollutants(NESHAP): Plating and Polishing Operations, at 40 C.F.R. Part 63, Subpart WWWW of the Clean Air Act, as amended (the Act).

Pursuant to Section 114(a) of the Act, 42 U.S.C. §7414(a), the Administrator of the EPA is authorized to require any person who owns or operates any emission source, or who is subject to any requirement of the Act, to establish and maintain such records, make such reports, and provide such other information as she may reasonably require, for the purposes of determining whether such person is in violation of any provision of the Act. This authority has been duly delegated to the Director of the Air, Pesticides, and Toxics Management Division, Region 4.

Therefore, Precision is required to respond to the enclosed Information Request (Enclosure A) within **thirty (30) days** of your receipt of this letter, unless the EPA, for good cause shown, extends in writing the deadline for responding to the request. You should respond to this Information Request as completely as possible. The response must be delivered to the EPA or postmarked no later than the above deadline. Send one complete copy of your response, including supporting documentation, to the following address:

U.S. EPA Region 4  
South Air Enforcement Section  
Sam Nunn Atlanta Federal Center  
61 Forsyth Street, SW  
Atlanta, GA 30303-8960  
ATTN: Ms. Sharron Porter

You are entitled to assert a claim of business confidentiality covering all or part of any required information except emission data, in the manner described at 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth at 40 C.F.R. Part 2, Subpart B. Unless a confidentiality claim is asserted at the time

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the required information is provided, the EPA may make this information available to the public without further notice to you. Notwithstanding the above, the information you provide may be used by the EPA in administrative, civil, and criminal proceedings. See Enclosure B for confidential business information assertion and substantiation requirements. If there is a claim of business confidential information, you will receive a letter from the EPA inviting your comments on seven questions so that the EPA can determine whether such information is entitled to confidential treatment.

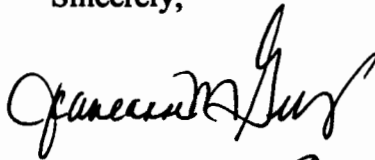
Failure to comply with this requirement to provide information is a violation of Section 114 of the Act and could result in an enforcement action for the recovery of civil penalties not to exceed \$37,500 per day, per violation, or for injunctive relief or both. Section 113, 42 U.S.C. §7413, of the Act gives the EPA the authority to seek criminal penalties from any person who knowingly makes any false statement, representation, or certification in any report required under the Act.

This required submittal of information is not subject to the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. Chapter 35.

If you have any questions relating to this Information Request, you may consult with the EPA prior to the time specified above. Questions should be directed to Ms. Sharron Porter at (404) 562-9172 or by electronic mail at [porter.sharron@epa.gov](mailto:porter.sharron@epa.gov).

Thank you for your cooperation in this matter.

Sincerely,



Carol L. Kemker  
Acting Director  
Air, Pesticides, and Toxics  
Management Division

Enclosures

cc: Mr. Jeff Littlejohn (w/enclosures)  
Deputy Secretary, Regulatory Programs  
FDEP

Mr. Brian Accardo (w/enclosures)  
Deputy Director, Division of Air Resource Management  
FDEP

Mr. Jeff Koerner (w/enclosures)  
Program Administrator, Office of Permitting and Compliance  
FDEP



## **ENCLOSURE A**

For purposes of this letter, the definitions set forth in Section B shall apply and should be considered carefully by you in preparing your responses to this Information Request letter.

### **A. INSTRUCTIONS:**

- 1) Please provide a separate narrative response to each question and subpart of a question set forth in this Information Request and precede each answer with the number of the question to which it corresponds.
- 2) If requested information or documents are not known or are not available to you at the time of your response to this Information Request, but later become known or available to you, you must supplement your response to EPA. Moreover, should you find at any time after submission of your response that any portion is or becomes false, incomplete, or misrepresents the facts; you must provide EPA with a corrected response as soon as possible.

### **B. DEFINITIONS:**

- 1) "Document" means written documentation of any kind, including documentation solely in electronic form. It includes any document in the possession or control of Precision or the possession or control of any person or entity hired by Precision. A copy of a document rather than the original may be provided.
- 2) The terms "person" or "persons", shall have the meaning set forth in Section 302(e) of the Act, 42 U.S.C. § 7602(e), and includes an individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency, department, or instrumentality of the United States and any officer, agent or employee thereof.
- 3) The terms "relate to" or "pertain to" (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.
- 4) The terms "you" or "your", as used in each of the questions set forth in the attached Section 114 letter, refers to, and shall mean, the company or corporation with which each addressee of the attached Section 114 letter is affiliated, including its subsidiaries, divisions, affiliates, predecessors, successors, assigns, and its former and present officers, directors, agents, employees, representatives, attorneys, consultants, accountants and all other persons acting on its behalf.
- 5) "Precision" means Precision Optical Plating, Inc. located at 1749 Northgate Blvd., Sarasota, Florida, 34234.
- 6) "Facility" means the entire manufacturing facility (including all physical structures) located at 1749 Northgate Blvd., Sarasota, Florida, 34234.
- 7) "Commenced" means with respect to construction or reconstruction of an affected source, that an owner or operator has undertaken a continuous program of construction or reconstruction or that an





owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or reconstruction.

- 8) "Construction" means the on-site fabrication, erection, or installation of an affected source. Construction does not include removal of all equipment comprising an affected source from an existing location and reinstallation of such equipment at a new location. The owner or operator of an existing affected source that is relocated may elect not to install minor ancillary equipment including, but not limited to, piping, ductwork, and valves. However, removal and reinstallation of an affected source will be construed as reconstruction as defined in 40 C.F.R. Section 63.2. The costs of replacing minor ancillary equipment must be considered in determining whether the existing affected source is reconstructed.
- 9) "Area Source" means any stationary source or group of stationary sources within a contiguous area under common control that does not have the potential to emit any single HAP at a rate of 9.07 megagrams per year (Mg/yr) (10 tons per year (tpy)) or more and any combination of HAP at a rate of 22.68 Mg/yr (25 tpy) or more.
- 10) "Dry mechanical polishing" means a process used for removing defects from and smoothing the surface of finished metals and formed products after plating or thermal spraying with any of the plating and polishing metal HAP, as defined in this section, using automatic or manually-operated machines that have hard-faced abrasive wheels or belts and where no liquids or fluids are used to trap the removed metal particles. The affected process does not include polishing with use of pastes, liquids, lubricants, or any other added materials.
- 11) "Potential to Emit" means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the stationary source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable.
- 12) "Electroforming" means an electrolytic process using or emitting any of the plating and polishing metal HAP, as defined in this section that is used for fabricating metal parts. This process is essentially the same as electroplating except that the plated substrate (mandrel) is removed, leaving only the metal plate. In electroforming, the metal plate is self-supporting and generally thicker than in electroplating.
- 13) "Electropolishing" means an electrolytic process performed in a tank after plating that uses or emits any of the plating and polishing metal HAP, as defined in this section, in which a work piece is attached to an anode immersed in a bath, and the metal substrate is dissolved electrolytically, thereby removing the surface contaminant; electropolishing is also called electrolytic polishing. For the purposes of this subpart, electropolishing does not include bench-scale operations.
- 14) "Flash electroplating" means an electrolytic process performed in a tank that uses or emits any of the plating and polishing metal HAP, as defined in this section, and that is used no more than 3 cumulative minutes per hour or no more than 1 cumulative hour per day.
- 15) "HAP" means hazardous air pollutant as defined from the list of 188 chemicals and compounds specified in the CAA Amendments of 1990; HAP are also called "air toxics." The five plating and polishing metal HAP, as defined in this section, are on this list of 188 chemicals.



- 16) "Non-cyanide electrolytic plating" and electropolishing processes means electroplating, electroforming, and electropolishing that uses or emits any of the plating and polishing metal HAP, as defined in this section, performed without cyanide in the tank. These processes do not use cyanide in the tank and operate at pH values less than 12. These processes use electricity and add or remove metals such as metal HAP from parts and products used in manufacturing. Both electroplating and electroforming can be performed with cyanide as well.
- 17) "Short-term plating" means an electroplating process that uses or emits any of the plating and polishing metal HAP, as defined in this section, and that is used no more than 3 cumulative minutes per hour or 1 hour cumulative per day.
- 18) "Temporary thermal spraying" means a thermal spraying operation that uses or emits any of the plating and polishing metal HAP, as defined in this section, and that lasts no more than 1 hour in duration during any one day and is conducted in situ. Thermal spraying that is conducted in a dedicated thermal spray booth or structure is not considered to be temporary thermal spraying.
- 19) "Thermal spraying" (also referred to as metal spraying or flame spraying) is a process that uses or emits any of the plating and polishing metal HAP, as defined in this section, in which a metallic coating is applied by projecting heated, molten, or semi-molten metal particles onto a substrate. Commonly-used thermal spraying methods include high velocity oxy-fuel (HVOF) spraying, flame spraying, electric arc spraying, plasma arc spraying, and detonation gun spraying. This operation does not include spray painting at ambient temperatures

### **C. INFORMATION REQUESTS:**

In order to determine whether Precision is in compliance with Subpart WWWW of the Act, as set forth above, you are hereby required, in accordance with § 114(a) of the Act, 42 U.S.C. § 7414(a), for the period from October 29, 2008, to the present, unless otherwise stated for questions 1 through 13, to provide the following information:

- 1) Provide a detailed description of the process at the facility from receiving the raw materials to the final product produced, and include a current overall process diagram for the facility;
- 2) Provide documentation that conveys the facility's potential to emit both individual and combined HAPs;
- 3) Provide a copy of the initial notification, as described at 40 C.F.R. § 63.11509(a) and § 63.9(b)(2), previously submitted to the Florida Department of Environmental Protection (FDEP) and the Environmental Protection Agency (EPA);
- 4) Provide a copy of all notification of compliance status reports described at 40 C.F.R. § 63.11509(b) and § 63.9(b)(2), previously submitted to FDEP and/or EPA;
- 5) Provide a copy of all Annual Certification of Compliance Reports described at 40 C.F.R. § 63.11509(c), submitted to FDEP and/or EPA;



- 6) List and describe all of the affected sources at the facility as defined in 40 C.F.R. § 63.11504(a)(1)(i) through (vi). State the specific compliance requirements as described in 40 C.F.R. § 63.11508 for each piece of equipment;
- 7) Provide complete copies of any test reports for performance testing for control systems conducted for the affected sources described in response to Question 6 above. Also provide copies of operating manuals for all control systems that were used to demonstrate compliance with 40 C. F. R. Part 63, Subpart WWWWWW;
- 8) Provide a copy of any report that describes any deviation from the compliance requirements as described in 40 C.F.R. § 63.11509(d), previously submitted to FDEP and EPA;
- 9) For cyanide tanks, provide records as applicable, on the one-time pH measurement value for each tank;
- 10) For non-cyanide tanks, provide records as applicable, on the amount and frequency of wetting agent/fume suppressant addition for each tank;
- 11) For short-term or flash electroplating tanks, provide records as applicable, on the daily plating time for each tank;
- 12) For batch electroplating tanks using covers as a control option, provide records as applicable, on the time the tank is operated with the cover in place for each tank; and
- 13) For continuous electroplating tanks, provide records as applicable, on the amount of tank surface covered and the time the tank is operated with the cover in place for each tank.



## **ENCLOSURE B**

### **Confidential Business Information (CBI)**

You may assert a business confidentiality claim covering all or part of the information you provide in response to this information request for any business information entitled to confidential treatment under Section 114(c) of the Clean Air Act (the Act), 42 U.S.C. § 7414, and 40 C.F.R. Part 2, subpart B. Under Section 114(c) of the Act, you are entitled to confidential treatment of information that would divulge methods or processes entitled to protection as trade secrets. Under 40 C.F.R. Part 2, subpart B, business confidentiality means "the concept of trade secrecy and other related legal concepts which give (or may give) a business the right to preserve the confidentiality of business information and to limit its use or disclosure by others in order that the business may obtain or retain business advantages it derives from its rights in the information." See 40 C.F.R. § 2.201(e).

Information covered by a claim of business confidentiality will be disclosed by EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Act and 40 C.F.R. Part 2, subpart B. The EPA will construe your failure to furnish a business confidentiality claim with your response to this information request as a waiver of that claim, and the information may be made available to the public without further notice to you.

To assert a business confidentiality claim, you must place on, or attach to, all information you desire to assert as business confidential either a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential" at the time you submit your response to this information request. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and may be submitted separately to facilitate identification and handling by EPA. You should indicate if you desire confidential treatment only until a certain date or until the occurrence of a certain event.

The criteria the EPA will use in determining whether material you claim as business confidential is entitled to confidential treatment are set forth at 40 C.F.R. §§ 2.208 and 2.301. These regulations provide, among other things, that you must satisfactorily show that: (1) the information is within the scope of business confidentiality as defined at 40 C.F.R. § 2.201(e), (2) that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, (3) the information is not and has not been reasonably obtainable by legitimate means without your consent, and (4) the disclosure of the information is likely to cause substantial harm to your business's competitive edge. See 40 C.F.R. § 2.208 (a)-(d). Emission data, as defined at 40 C.F.R. § 2.301(a)(2), is expressly not entitled to confidential treatment under 40 C.F.R. Part 2, subpart B. See 42 U.S.C. § 7414(c); 40 C.F.R. § 2.301(e).

EPA is providing you notice that if you assert a claim of business confidentiality for information you provide in response to this information request, EPA will determine whether such information is entitled to confidential treatment pursuant to 40 CFR Part 2, Subpart B. Accordingly, after EPA's receipt of your business confidentiality claim, you will receive a letter inviting your comments on the following questions:

- 1) What specific portions of the information are alleged to be entitled to confidential treatment? Specify by page, paragraph, and sentence when identifying the information subject to your claim.





- 2) For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, specify that event. Additionally, explain why the information should be protected for the time period you've specified.
- 3) What measures have you taken to protect the information claimed as confidential from undesired disclosure? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
- 4) Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
- 5) Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
- 6) For each category of information claimed as confidential, explain with specificity whether disclosure of the information is likely to result in substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
- 7) Is there any other explanation you deem relevant to the Agency's determination of your business confidentiality claim that is not covered in the preceding questions? If so, you may provide such additional explanation.

See 40 C.F.R. § 2.204(e)(4). When you receive such a letter, you must provide EPA with a written response within the number of days set forth in the letter. EPA will construe your failure to furnish timely comments as a waiver of your confidentiality claim, consistent with 40 C.F.R. § 2.204(e)(1).



## **ENCLOSURE C**

This is to be signed and dated by a duly authorized official of Precision.

### **STATEMENT OF CERTIFICATION**

I hereby certify that the foregoing responses and information provided to the EPA in response to its Clean Air Act, Section 114, Information Request were prepared under my direction or supervision and that I have personal knowledge of all matters set forth in the responses and the accompanying information or that I consulted with individuals having personal knowledge (note, please identify such individuals). I certify that the responses are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

---

Signature and Date

---

Printed Name and Title





**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

**AUG 12 2013**

**UNITED PARCEL SERVICE**

Mr. Wayne Mars  
President  
Precision Plating Inc.  
980 N. Pine Hill Road  
Birmingham, AL 36217

Dear Mr. Mars:

The U. S. Environmental Protection Agency hereby requires that Precision Plating, Inc., (Precision) provide information as part of an EPA investigation to determine the compliance status of the company with the National Emission Standards for Hazardous Air Pollutants(NESHAP): Plating and Polishing Operations, at 40 C.F.R. Part 63, Subpart WWWWW of the Clean Air Act, as amended (the Act).

Pursuant to Section 114(a) of the Act, 42 U.S.C. §7414(a), the Administrator of the EPA is authorized to require any person who owns or operates any emission source, or who is subject to any requirement of the Act, to establish and maintain such records, make such reports, and provide such other information as she may reasonably require, for the purposes of determining whether such person is in violation of any provision of the Act. This authority has been duly delegated to the Director of the Air, Pesticides, and Toxics Management Division, Region 4.

Therefore, Precision is required to respond to the enclosed Information Request (Enclosure A) within **thirty (30) days** of your receipt of this letter, unless the EPA, for good cause shown, extends in writing the deadline for responding to the request. You should respond to this Information Request as completely as possible. The response must be delivered to the EPA or postmarked no later than the above deadline. Send one complete copy of your response, including supporting documentation, to the following address:

U.S. EPA Region 4  
South Air Enforcement Section  
Sam Nunn Atlanta Federal Center  
61 Forsyth Street, SW  
Atlanta, GA 30303-8960  
ATTN: Ms. Sharron Porter

You are entitled to assert a claim of business confidentiality covering all or part of any required information except emission data, in the manner described at 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth at 40 C.F.R. Part 2, Subpart B. Unless a confidentiality claim is asserted at the time



the required information is provided, the EPA may make this information available to the public without further notice to you. Notwithstanding the above, the information you provide may be used by the EPA in administrative, civil, and criminal proceedings. See Enclosure B for confidential business information assertion and substantiation requirements. If there is a claim of business confidential information, you will receive a letter from the EPA inviting your comments on seven questions so that the EPA can determine whether such information is entitled to confidential treatment.

Failure to comply with this requirement to provide information is a violation of Section 114 of the Act and could result in an enforcement action for the recovery of civil penalties not to exceed \$37,500 per day, per violation, or for injunctive relief or both. Section 113, 42 U.S.C. §7413, of the Act gives the EPA the authority to seek criminal penalties from any person who knowingly makes any false statement, representation, or certification in any report required under the Act.

This required submittal of information is not subject to the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. Chapter 35.

If you have any questions relating to this Information Request, you may consult with the EPA prior to the time specified above. Questions should be directed to Ms. Sharron Porter at (404) 562-9172 or by electronic mail at [porter.sharron@epa.gov](mailto:porter.sharron@epa.gov).

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Carol L. Kemker", with a stylized flourish at the end.

Carol L. Kemker  
Acting Director  
Air, Pesticides, and Toxics  
Management Division

Enclosures

cc: Mr. Jonathan Stanton (w/enclosures)  
Director, Jefferson County Department of Health  
Air Pollution Control Program





## **ENCLOSURE A**

For purposes of this letter, the definitions set forth in Section B shall apply and should be considered carefully by you in preparing your responses to this Information Request letter.

### **A. INSTRUCTIONS:**

- 1) Please provide a separate narrative response to each question and subpart of a question set forth in this Information Request and precede each answer with the number of the question to which it corresponds.
- 2) If requested information or documents are not known or are not available to you at the time of your response to this Information Request, but later become known or available to you, you must supplement your response to EPA. Moreover, should you find at any time after submission of your response that any portion is or becomes false, incomplete, or misrepresents the facts; you must provide EPA with a corrected response as soon as possible.

### **B. DEFINITIONS:**

- 1) "Document" means written documentation of any kind, including documentation solely in electronic form. It includes any document in the possession or control of Precision or the possession or control of any person or entity hired by Precision. A copy of a document rather than the original may be provided.
- 2) The terms "person" or "persons", shall have the meaning set forth in Section 302(e) of the Act, 42 U.S.C. § 7602(e), and includes an individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency, department, or instrumentality of the United States and any officer, agent or employee thereof.
- 3) The terms "relate to" or "pertain to" (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.
- 4) The terms "you" or "your", as used in each of the questions set forth in the attached Section 114 letter, refers to, and shall mean, the company or corporation with which each addressee of the attached Section 114 letter is affiliated, including its subsidiaries, divisions, affiliates, predecessors, successors, assigns, and its former and present officers, directors, agents, employees, representatives, attorneys, consultants, accountants and all other persons acting on its behalf.
- 5) "Precision" means Precision Plating, Inc. located at 980 N. Pine Hill Road, Birmingham, Alabama, 35217.
- 6) "Facility" means the entire manufacturing facility (including all physical structures) located at 980 N. Pine Hill Road, Birmingham, Alabama, 35217.
- 7) "Commenced" means with respect to construction or reconstruction of an affected source, that an owner or operator has undertaken a continuous program of construction or reconstruction or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or reconstruction.



- 8) "Construction" means the on-site fabrication, erection, or installation of an affected source. Construction does not include removal of all equipment comprising an affected source from an existing location and reinstallation of such equipment at a new location. The owner or operator of an existing affected source that is relocated may elect not to install minor ancillary equipment including, but not limited to, piping, ductwork, and valves. However, removal and reinstallation of an affected source will be construed as reconstruction as defined in 40 C.F.R. Section 63.2. The costs of replacing minor ancillary equipment must be considered in determining whether the existing affected source is reconstructed.
- 9) "Area Source" means any stationary source or group of stationary sources within a contiguous area under common control that does not have the potential to emit any single HAP at a rate of 9.07 megagrams per year (Mg/yr) (10 tons per year (tpy)) or more and any combination of HAP at a rate of 22.68 Mg/yr (25 tpy) or more.
- 10) "Dry mechanical polishing" means a process used for removing defects from and smoothing the surface of finished metals and formed products after plating or thermal spraying with any of the plating and polishing metal HAP, as defined in this section, using automatic or manually-operated machines that have hard-faced abrasive wheels or belts and where no liquids or fluids are used to trap the removed metal particles. The affected process does not include polishing with use of pastes, liquids, lubricants, or any other added materials.
- 11) "Potential to Emit" means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the stationary source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable.
- 12) "Electroforming" means an electrolytic process using or emitting any of the plating and polishing metal HAP, as defined in this section that is used for fabricating metal parts. This process is essentially the same as electroplating except that the plated substrate (mandrel) is removed, leaving only the metal plate. In electroforming, the metal plate is self-supporting and generally thicker than in electroplating.
- 13) "Electropolishing" means an electrolytic process performed in a tank after plating that uses or emits any of the plating and polishing metal HAP, as defined in this section, in which a work piece is attached to an anode immersed in a bath, and the metal substrate is dissolved electrolytically, thereby removing the surface contaminant; electropolishing is also called electrolytic polishing. For the purposes of this subpart, electropolishing does not include bench-scale operations.
- 14) "Flash electroplating" means an electrolytic process performed in a tank that uses or emits any of the plating and polishing metal HAP, as defined in this section, and that is used no more than 3 cumulative minutes per hour or no more than 1 cumulative hour per day.
- 15) "HAP" means hazardous air pollutant as defined from the list of 188 chemicals and compounds specified in the CAA Amendments of 1990; HAP are also called "air toxics." The five plating and polishing metal HAP, as defined in this section, are on this list of 188 chemicals.



- 16) "Non-cyanide electrolytic plating" and electropolishing processes means electroplating, electroforming, and electropolishing that uses or emits any of the plating and polishing metal HAP, as defined in this section, performed without cyanide in the tank. These processes do not use cyanide in the tank and operate at pH values less than 12. These processes use electricity and add or remove metals such as metal HAP from parts and products used in manufacturing. Both electroplating and electroforming can be performed with cyanide as well.
- 17) "Short-term plating" means an electroplating process that uses or emits any of the plating and polishing metal HAP, as defined in this section, and that is used no more than 3 cumulative minutes per hour or 1 hour cumulative per day.
- 18) "Temporary thermal spraying" means a thermal spraying operation that uses or emits any of the plating and polishing metal HAP, as defined in this section, and that lasts no more than 1 hour in duration during any one day and is conducted in situ. Thermal spraying that is conducted in a dedicated thermal spray booth or structure is not considered to be temporary thermal spraying.
- 19) "Thermal spraying" (also referred to as metal spraying or flame spraying) is a process that uses or emits any of the plating and polishing metal HAP, as defined in this section, in which a metallic coating is applied by projecting heated, molten, or semi-molten metal particles onto a substrate. Commonly-used thermal spraying methods include high velocity oxy-fuel (HVOF) spraying, flame spraying, electric arc spraying, plasma arc spraying, and detonation gun spraying. This operation does not include spray painting at ambient temperatures

### **C. INFORMATION REQUESTS:**

In order to determine whether Precision is in compliance with Subpart WWWWWW of the Act, as set forth above, you are hereby required, in accordance with § 114(a) of the Act, 42 U.S.C. § 7414(a), for the period from October 29, 2008, to the present, unless otherwise stated for questions 1 through 13, to provide the following information:

- 1) Provide a detailed description of the process at the facility from receiving the raw materials to the final product produced, and include a current overall process diagram for the facility;
- 2) Provide documentation that conveys the facility's potential to emit both individual and combined HAPs;
- 3) Provide a copy of the initial notification, as described at 40 C.F.R. § 63.11509(a) and § 63.9(b)(2), previously submitted to the Jefferson County Department of Health (JCDH) and the Environmental Protection Agency (EPA);
- 4) Provide a copy of all notification of compliance status reports described at 40 C.F.R. § 63.11509(b) and § 63.9(b)(2), previously submitted to JCDH and/or EPA;
- 5) Provide a copy of all Annual Certification of Compliance Reports described at 40 C.F.R. § 63.11509(c), submitted to JCDH and/or EPA;
- 6) List and describe all of the affected sources at the facility as defined in 40 C.F.R.



§ 63.11504(a)(1)(i) through (vi). State the specific compliance requirements as described in 40 C.F.R. § 63.11508 for each piece of equipment;

- 7) Provide complete copies of any test reports for performance testing for control systems conducted for the affected sources described in response to Question 6 above. Also provide copies of operating manuals for all control systems that were used to demonstrate compliance with 40 C. F. R. Part 63, Subpart WWWWWW;
- 8) Provide a copy of any report that describes any deviation from the compliance requirements as described in 40 C.F.R. § 63.11509(d), previously submitted to JCDH and EPA;
- 9) For cyanide tanks, provide records as applicable, on the one-time pH measurement value for each tank;
- 10) For non-cyanide tanks, provide records as applicable, on the amount and frequency of wetting agent/fume suppressant addition for each tank;
- 11) For short-term or flash electroplating tanks, provide records as applicable, on the daily plating time for each tank;
- 12) For batch electroplating tanks using covers as a control option, provide records as applicable, on the time the tank is operated with the cover in place for each tank; and
- 13) For continuous electroplating tanks, provide records as applicable, on the amount of tank surface covered and the time the tank is operated with the cover in place for each tank.





## **ENCLOSURE B**

### **Confidential Business Information (CBI)**

You may assert a business confidentiality claim covering all or part of the information you provide in response to this information request for any business information entitled to confidential treatment under Section 114(c) of the Clean Air Act (the Act), 42 U.S.C. § 7414, and 40 C.F.R. Part 2, subpart B. Under Section 114(c) of the Act, you are entitled to confidential treatment of information that would divulge methods or processes entitled to protection as trade secrets. Under 40 C.F.R. Part 2, subpart B, business confidentiality means "the concept of trade secrecy and other related legal concepts which give (or may give) a business the right to preserve the confidentiality of business information and to limit its use or disclosure by others in order that the business may obtain or retain business advantages it derives from its rights in the information." See 40 C.F.R. § 2.201(e).

Information covered by a claim of business confidentiality will be disclosed by EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Act and 40 C.F.R. Part 2, subpart B. The EPA will construe your failure to furnish a business confidentiality claim with your response to this information request as a waiver of that claim, and the information may be made available to the public without further notice to you.

To assert a business confidentiality claim, you must place on, or attach to, all information you desire to assert as business confidential either a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential" at the time you submit your response to this information request. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and may be submitted separately to facilitate identification and handling by EPA. You should indicate if you desire confidential treatment only until a certain date or until the occurrence of a certain event.

The criteria the EPA will use in determining whether material you claim as business confidential is entitled to confidential treatment are set forth at 40 C.F.R. §§ 2.208 and 2.301. These regulations provide, among other things, that you must satisfactorily show that: (1) the information is within the scope of business confidentiality as defined at 40 C.F.R. § 2.201(e), (2) that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, (3) the information is not and has not been reasonably obtainable by legitimate means without your consent, and (4) the disclosure of the information is likely to cause substantial harm to your business's competitive edge. See 40 C.F.R. § 2.208 (a)-(d). Emission data, as defined at 40 C.F.R. § 2.301(a)(2), is expressly not entitled to confidential treatment under 40 C.F.R. Part 2, subpart B. See 42 U.S.C. § 7414(c); 40 C.F.R. § 2.301(e).

EPA is providing you notice that if you assert a claim of business confidentiality for information you provide in response to this information request, EPA will determine whether such information is entitled to confidential treatment pursuant to 40 CFR Part 2, Subpart B. Accordingly, after EPA's receipt of your business confidentiality claim, you will receive a letter inviting your comments on the following questions:

- 1) What specific portions of the information are alleged to be entitled to confidential treatment? Specify by page, paragraph, and sentence when identifying the information subject to your claim.



- 2) For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, specify that event. Additionally, explain why the information should be protected for the time period you've specified.
- 3) What measures have you taken to protect the information claimed as confidential from undesired disclosure? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
- 4) Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
- 5) Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
- 6) For each category of information claimed as confidential, explain with specificity whether disclosure of the information is likely to result in substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
- 7) Is there any other explanation you deem relevant to the Agency's determination of your business confidentiality claim that is not covered in the preceding questions? If so, you may provide such additional explanation.

See 40 C.F.R. § 2.204(e)(4). When you receive such a letter, you must provide EPA with a written response within the number of days set forth in the letter. EPA will construe your failure to furnish timely comments as a waiver of your confidentiality claim, consistent with 40 C.F.R. § 2.204(e)(1).



## **ENCLOSURE C**

This is to be signed and dated by a duly authorized official of Precision.

### **STATEMENT OF CERTIFICATION**

I hereby certify that the foregoing responses and information provided to the EPA in response to its Clean Air Act, Section 114, Information Request were prepared under my direction or supervision and that I have personal knowledge of all matters set forth in the responses and the accompanying information or that I consulted with individuals having personal knowledge (note, please identify such individuals). I certify that the responses are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

---

Signature and Date

---

Printed Name and Title



## **ENCLOSURE 1**

### **INSTRUCTIONS**

1. Please provide a separate narrative response to each and every question set forth in this Information Request.
2. Precede each answer with the number of the question to which it corresponds.
3. If information or documents are unknown or unavailable to you at the time of your response to this Information Request, but later become known or available to you, you must supplement your response to the EPA. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is false or misrepresents the truth, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
4. For each document produced in response to this Information Request indicate on the document, or in some reasonable manner, the number of the question to which it responds.





## **ENCLOSURE 2**

### **DEFINITIONS**

1. The term “you,” “Affordable Auto and Truck Repair,” shall include the addressee of this Request, the addressee’s officers, managers, employees, contractors, trustees, partners, successors, assigns, and agents.
2. The term “person” shall have the same definition as in Section 302(e) of the CAA, (i.e. an individual, corporation, partnership, association, State, and any agency, department, or instrumentality of the United States and any officer, agent, or employee thereof).
3. “Facility” means the manufacturing plant (including all physical structures) operated by Affordable Auto and Truck Repair.
4. “Document” means any object that contains, records, stores, or presents information, whether in paper, electronic or any other form.
5. The term “identify” means, with respect to a natural person, to set forth the person’s name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
6. The term “identify” means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g. corporation, partnership, etc.), organization, if any, and a brief description of its business.
7. The term “identify” means, with respect to a document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter.
8. The terms “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
9. “Coating” means, for the purposes of this request, a material spray-applied to a substrate for decorative, protective, or functional purposes. For the purposes of this subpart, coating does not include the following materials:
  - (1) Decorative, protective, or functional materials that consist only of protective oils for metal, acids, bases, or any combination of these substances.
  - (2) Paper film or plastic film that may be pre-coated with an adhesive by the film manufacturer.
  - (3) Adhesives, sealants, maskants, or caulking materials.
  - (4) Temporary protective coatings, lubricants, or surface preparation materials.



- (5) In-mold coatings spray-applied in the manufacture of reinforced plastic composite parts.
10. "Spray-applied coating operations" means coatings that are applied using a hand-held device that creates an atomized mist of coating and deposits the coating on a substrate. For the purposes of this subpart, spray-applied coatings do not include the following materials or activities:
- (1) Coatings applied from a hand-held device with a paint cup capacity that is equal to or less than 3.0 fluid ounces (89 cubic centimeters).
  - (2) Surface coating application using powder coating, hand-held, non-refillable aerosol containers, or non-atomizing application technology, including, but not limited to, paint brushes, rollers, hand wiping, flow coating, dip coating, electrodeposition coating, web coating, coil coating, touch-up markers, or marking pens.
  - (3) Thermal spray operations (also known as metallizing, flame spray, plasma arc spray, and electric arc spray, among other names) in which solid metallic or non-metallic material is heated to a molten or semi-molten state and propelled to the work piece or substrate by compressed air or other gas, where a bond is produced upon impact.
11. "New source" means any affected source the construction or reconstruction of which is commenced after September 17, 2007 by installing new paint stripping or surface coating equipment, and it had no paint stripping or miscellaneous surface coating activity prior to that date.
12. "Existing source" means any affected source that is not a new source.
13. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in the Clean Air Act or 40 CFR in which case the statutory or regulatory definitions shall apply.
14. "High-volume, low-pressure (HVLP) spray equipment" means spray equipment that is permanently labeled as such and used to apply any coating by means of a spray gun which is designed and operated between 0.1 and 10 pounds per square inch gauge (psig) air atomizing pressure measured dynamically at the center of the air cap and at the air horns.
15. "Airless and air-assisted airless spray" means any paint spray technology that relies solely on the fluid pressure of the paint to create an atomized paint spray pattern and does not apply any atomizing compressed air to the paint before it leaves the paint nozzle. Air-assisted airless spray uses compressed air to shape and distribute the fan of atomized paint, but still uses fluid pressure to create the atomized paint.



## **ENCLOSURE 3**

### **INFORMATION REQUEST**

1. Pursuant to the Environmental Protection Agency regulation 40 CFR Part 63, Subpart HHHHHH National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources, indicate if you find that 40 CFR Part 63, Subpart HHHHHH is applicable to Affordable Auto and Truck Repair. Also please provide the basis for your finding that the regulation is or is not applicable to Affordable Auto and Truck Repair.
2. If your response to Information Request #1 finds 40 CFR Part 63, Subpart HHHHHH applicable to Affordable Auto and Truck Repair, please provide identification of Affordable Auto and Truck Repair as a new or existing source and include the basis for the identification.
3. Indicate whether or not Affordable Auto and Truck Repair's operation includes the use of paint strippers that contain methylene chloride (MeCl). Also, please provide a Material Safety Data Sheet (MSDS) for each paint stripper currently used at the facility and that has been used since January 9, 2008.
4. Indicate whether or not Affordable Auto and Truck Repair performs spray application of coatings with hand-held devices that creates an atomized mist of coating and deposits the coatings on a substrate. Also, if applicable, please indicate whether or not the paint cup capacity for the hand-held device is greater than three ounces and provide documentation that describes the type of device(s) used. If hand-held devices are not used, please describe how Affordable Auto and Truck Repair applies coatings to substrates and any supporting documentation about the application(s).
5. Indicate whether or not Affordable Auto and Truck Repair performs spray application of coatings that contain any target hazardous air pollutant (HAP), which are the compounds of chromium (Cr), lead (Pb), manganese (Mn), nickel (Ni), or cadmium (Cd). Also, please provide a MSDS for each coating used since January 9, 2008.
6. Indicate if all spray application of surface coating activities performed by Affordable Auto and Truck Repair meet the spray booth, preparation station, or mobile enclosure requirements of Subpart HHHHHH, Section 63.11173(e). Describe the type of booth, station or enclosure and provide any certification that the process achieves at least a 98 percent capture of paint overspray.
7. Provide standard hours of operation per day for Affordable Auto and Truck Repair. Please identify the hours on a Monday through Sunday basis, indicating the day and time periods (e.g., Monday, 8 hours, 8:00 am - 4:00 pm).
8. Provide hours other than standard hours when surface coating activities are most likely to occur (e.g., Monday 6:00 - 8:00 pm, Tuesday 6:30 pm - 7:30 pm).
9. Provide the street address, county, city and state for Affordable Auto and Truck Repair, and indicate if it is the only operation location.



10. Provide the street address, county, city and state for any additional buildings from which Affordable Auto and Truck Repair performs auto refinishing.
11. Provide the names of the counties in Florida in which Affordable Auto and Truck Repair operates as a mobile or stationary provider of auto refinishing services. Indicate if the service provided in the county is mobile, stationary or both.
12. Indicate whether all spray applied coatings are applied with a high volume, low pressure (HVLP) spray gun, electrostatic applications, airless spray gun, air-assisted airless spray gun, or an equivalent technology that is demonstrated by the spray gun manufacturer to achieve transfer efficiency comparable to one of the spray gun technologies listed above for a comparable operation, and for which written approval has been obtained from the EPA Administrator. Provide documentation to support Affordable Auto and Truck Repair's response. Also, if spray applied coatings are applied with a technology not listed, please describe the technology and provide supporting documentation about the technology.
13. Provide copies of the certification for each Affordable Auto and Truck Repair painter that has been properly trained as specified in 40 CFR Section 63.11173(f). Include the date that the initial training was completed.
14. Indicate the number of painters of spray applied surface coatings that have not been trained as specified in 40 CFR Section 63.11173(f), if any.
15. Provide copies of any notifications submitted in accordance with 40 CFR Section 63.11175 (Initial Notification, Notification of Compliance Status) and copies of any report submitted in accordance with 40 CFR Section 63.11176 (Annual Notification of Changes Report).
16. Provide copies of any records of deviation from the requirements specified in 40 CFR Sections 63.11173, 63.11174, 63.11175, or 63.11176, as required by 40 CFR Section 63.11177(g).
17. Provide a description of your spray gun cleaning equipment and procedures for cleaning the guns. Provide a statement that confirms if you find your equipment and procedures are consistent with the criteria found at 40 CFR Section 63.11173(e)(4).
18. Provide information which indicates which automobile or truck parts are painted with hand-held devices, (i.e., bumpers, quarter panels, hoods, whole vehicles, spot painting, etc.). Include the address where each type of work is performed.









**ENCLOSURE 4**

**U.S. EPA Small Business Resources Information Sheet**



## U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources, including workshops, training sessions, hotlines, websites and guides, to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

### EPA's Small Business Websites

Small Business Environmental Homepage - [www.smallbiz-enviroweb.org](http://www.smallbiz-enviroweb.org)

Small Business Gateway - [www.epa.gov/smallbusiness](http://www.epa.gov/smallbusiness)

EPA's Small Business Ombudsman - [www.epa.gov/sbo](http://www.epa.gov/sbo) or 1-800-368-5888

### EPA's Compliance Assistance Homepage

[www.epa.gov/compliance/assistance/  
business.html](http://www.epa.gov/compliance/assistance/business.html)

This page is a gateway to industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

### EPA's Compliance Assistance Centers

[www.assistancecenters.net](http://www.assistancecenters.net)

EPA's Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

### Agriculture

[www.epa.gov/agriculture/](http://www.epa.gov/agriculture/)

### Automotive Recycling

[www.ecarcenter.org](http://www.ecarcenter.org)

### Automotive Service and Repair

[www.ccar-greenlink.org](http://www.ccar-greenlink.org) or 1-888-GRN-LINK

### Chemical Manufacturing

[www.chemalliance.org](http://www.chemalliance.org)

### Construction

[www.cicacenter.org](http://www.cicacenter.org) or 1-734-995-4911

### Education

[www.campuserc.org](http://www.campuserc.org)

### Food Processing

[www.fpeac.org](http://www.fpeac.org)

### Healthcare

[www.hercenter.org](http://www.hercenter.org)

### Local Government

[www.lgean.org](http://www.lgean.org)

### Metal Finishing

[www.nmfrc.org](http://www.nmfrc.org)

### Paints and Coatings

[www.paintcenter.org](http://www.paintcenter.org)

### Printed Wiring Board Manufacturing

[www.pwbrc.org](http://www.pwbrc.org)

### Printing

[www.pneac.org](http://www.pneac.org)

### Ports

[www.portcompliance.org](http://www.portcompliance.org)

### U.S. Border Compliance and Import/Export Issues

[www.bordercenter.org](http://www.bordercenter.org)

### Hotlines, Helplines and Clearinghouses

[www.epa.gov/epahome/hotline.htm](http://www.epa.gov/epahome/hotline.htm)

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Some examples are:

### Antimicrobial Information Hotline

[info-antimicrobial@epa.gov](mailto:info-antimicrobial@epa.gov) or  
1-703-308-6411

### Clean Air Technology Center (CATC) Info-line

[www.epa.gov/ttn/catc](http://www.epa.gov/ttn/catc) or 1-919-541-0800

### Emergency Planning and Community Right-To-Know Act

[www.epa.gov/superfund/resources/  
infocenter/epcra.htm](http://www.epa.gov/superfund/resources/infocenter/epcra.htm) or 1-800-424-9346

### EPA Imported Vehicles and Engines Public Helpline

[www.epa.gov/otaq/imports](http://www.epa.gov/otaq/imports) or  
734-214-4100

### National Pesticide Information Center

[www.npic.orst.edu/](http://www.npic.orst.edu/) or 1-800-858-7378

### National Response Center Hotline -

to report oil and hazardous substance spills  
[www.nrc.uscg.mil](http://www.nrc.uscg.mil) or 1-800-424-8802

### Pollution Prevention Information Clearinghouse (PPIC)

[www.epa.gov/opptintr/ppic](http://www.epa.gov/opptintr/ppic) or  
1-202-566-0799

### Safe Drinking Water Hotline

[www.epa.gov/safewater/hotline/index.  
html](http://www.epa.gov/safewater/hotline/index.html) or 1-800-426-4791

### Stratospheric Ozone Protection Hotline

[www.epa.gov/ozone](http://www.epa.gov/ozone) or 1-800-296-1996



## **Toxic Substances Control Act (TSCA) Hotline**

[tsc-hotline@epa.gov](mailto:tsc-hotline@epa.gov) or 1-202-554-1404

## **Wetlands Information Helpline**

[www.epa.gov/owow/wetlands/wetline.html](http://www.epa.gov/owow/wetlands/wetline.html) or 1-800-832-7828

## **State and Tribal Web-Based Resources**

### **State Resource Locators**

[www.envcap.org/statetools](http://www.envcap.org/statetools)

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

### **State Small Business Environmental Assistance Programs (SBEAPs)**

[www.smallbiz-enviroweb.org](http://www.smallbiz-enviroweb.org)

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits. The website is a central point for sharing resources between EPA and states.

### **EPA's Tribal Compliance Assistance Center**

[www.epa.gov/tribalcompliance/index.html](http://www.epa.gov/tribalcompliance/index.html)

The Center provides material to Tribes on environmental stewardship and regulations that might apply to tribal government operations.

### **EPA's Tribal Portal**

[www.epa.gov/tribalportal/](http://www.epa.gov/tribalportal/)

The Portal helps users locate tribal-related information within EPA and other federal agencies.

## **EPA Compliance Incentives**

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

### **EPA's Small Business Compliance Policy**

[www.epa.gov/compliance/incentives/smallbusiness/index.html](http://www.epa.gov/compliance/incentives/smallbusiness/index.html)

This Policy offers small businesses special incentives to come into compliance voluntarily.

### **EPA's Audit Policy**

[www.epa.gov/compliance/incentives/auditing/auditpolicy.html](http://www.epa.gov/compliance/incentives/auditing/auditpolicy.html)

The Policy provides incentives to all businesses that voluntarily discover, promptly disclose and expeditiously correct their noncompliance.

## **Commenting on Federal Enforcement Actions and Compliance Activities**

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247), or go to their website at [www.sba.gov/ombudsman](http://www.sba.gov/ombudsman).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

## **Your Duty to Comply**

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

*EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.*







UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

SEP 05 2013

UNITED PARCEL SERVICE

Mr. Joe Clark Sr.  
Owner  
Affordable Auto and Truck Repair  
5200 US Highway 1  
Key West, Florida 33040

Dear Mr. Clark:

The purpose of this letter is to request information as part of a U.S. Environmental Protection Agency investigation to determine the compliance status of Affordable Auto and Truck Repair located in Key West, Florida, with the requirements of the Clean Air Act (CAA). Section 114(a) of the CAA, 42 U.S.C. § 7414(a), authorizes the Administrator of the EPA to require any person who owns or operates an emission source, whom the Administrator believes may have information necessary for the purposes of Section 114(a), or who is subject to any requirement of the CAA, to provide such information as the Administrator may reasonably require for the purpose of carrying out any provision of the CAA. This authority has been duly delegated to the Director of the Air, Pesticides, and Toxics Management Division, Region 4.

Pursuant to Section 114(a), Affordable Auto and Truck Repair is directed to respond to the enclosed Information Request within **thirty (30) days** of your receipt of this letter, unless the EPA, for good cause shown, extends in writing, the deadline for responding to the request. Failure to respond may result in an enforcement action being filed against you pursuant to Section 113 of the CAA, 42 U.S.C. § 7413. This statute permits the EPA to seek the imposition of penalties of up to \$37,500 per day of continued noncompliance with this request. Please be advised that submittal of false, fictitious or fraudulent statements or representations may subject you to criminal penalties under Section 113(c) of the CAA, 42 U.S.C. § 7413(c).

The information requested herein must be provided even though Affordable Auto and Truck Repair may contend that it includes possible confidential information or trade secrets. You may, if you desire, assert a confidentiality claim covering part or all of the information requested, pursuant to Section 114(c) of the CAA, 42 U.S.C. § 7414(c), and 40 CFR Section 2.203(b), by attaching to such information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Information covered by such a claim will be disclosed by the EPA only to the extent, and only by means of the procedures set forth in the statute and regulation identified above. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. You should read the above cited regulation carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

Internet Address (URL) • <http://www.epa.gov>

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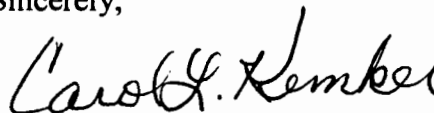
This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501 et seq.

Your response to this request for information should be mailed to:

Yvonne Lawson  
Air and EPCRA Enforcement Branch  
Air, Pesticides and Toxics Management Division  
U.S. Environmental Protection Agency, Region 4  
Atlanta Federal Center  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960

If you have questions regarding this Information Request, please contact Yvonne Lawson at (404) 562-9205.

Sincerely,



Carol L. Kemker  
Acting Director  
Air, Pesticides and Toxics  
Management Division

Enclosures

1. Instructions
2. Definitions
3. Information Request
4. Small Business Resource Information Sheet

cc: Mr. Jeff Littlejohn (w/enclosures)  
Deputy Secretary, Regulatory Programs,  
FLDEP

Mr. Brian Accardo (w/enclosures)  
Deputy Director, Division of Air Resource  
Management, FLDEP

Mr. Jeff Koerner (w/enclosures)  
Program Administrator, Office of  
Permitting and Compliance, DARM, FLDEP





**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

NOV 24 2014

**UNITED PARCEL SERVICE**

Mr. Don Smith  
EHS Specialist Sr. II  
EH&S SE Hub  
BASF Corporation  
1379 Ciba Road  
McIntosh, Alabama 36553

Dear Mr. Smith:

The purpose of this letter is to request information as part of a U.S. Environmental Protection Agency investigation to determine the compliance status of the BASF Corporation (BASF) plant located in McIntosh, Alabama, with the Clean Air Act (CAA), 42 U.S.C. § 7401, *et seq.*, specifically with the wastewater requirements of 40 C.F.R. Part 63, Subpart FFFF (National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing) for wastewater streams.

Section 114(a) of the CAA, 42 U.S.C § 7414(a), authorizes the Administrator of the EPA to require any person who owns or operates an emission source, whom the Administrator believes may have information necessary for the purposes of Section 114(a), or who is subject to any requirement of the CAA, to provide such information as the Administrator may reasonably require for the purpose of carrying out any provision of the CAA. This authority has been duly delegated to the Director of the Air, Pesticides, and Toxics Management Division, Region 4.

Therefore, pursuant to Section 114(a), BASF is directed to respond to the enclosed Information Request (Enclosure A) within thirty (30) days of receipt of this Section 114 Information Request. The EPA, for good cause shown, may extend the deadline for responding to the request. The response to the information requested must be accompanied by the enclosed Statement of Certification (Enclosure C), which is to be signed by a responsible official of BASF. You should respond to this Information Request as completely as possible. The response must be delivered to the EPA or be postmarked no later than the above deadline. Send one complete copy of your response, including supporting documentation, to the following address:

Lornette Harvey  
Air & EPCRA Enforcement Branch  
U.S. EPA, Region 4  
Atlanta Federal Center  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303



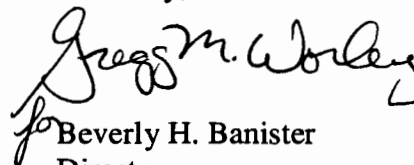
Under 40 C.F.R. Part 2, Subpart B, you may assert a business confidentiality claim covering part or all of the information you submit, other than emissions data and information or data that is otherwise publicly available, as described in 40 CFR 2.203(b). The page, paragraph, and sentence must be identified for any information subject to a claim of business confidentiality. If no business confidentiality claim accompanies the information when it is received by the EPA, the EPA may make the information available to the public without further notice. Enclosure B specifies the assertion and substantiation requirements for business confidentiality claims. Please note that if the EPA receives a Freedom of Information Act request for information you claim to be business confidential, or wants to determine whether such information is entitled confidential treatment, you will be required to bear the burden of substantiating your confidentiality claim. See 40 C.F.R. § 2.204(a) and (d). In those instances, you will be given an opportunity to submit comments on your claim by responding to 11 questions in Enclosure B. Your comments in response to these questions will be used by the EPA to determine whether the information has been shown to meet the requirements so as to be entitled to confidential treatment. Failure to submit your comments by the deadline in the letter will be regarded as a waiver of your confidentiality claim, and the EPA may release the information.

Failure to comply fully with this request for information is a violation of Section 114 of the CAA and could result in an enforcement action for the recovery of civil penalties not to exceed \$37,500 per day, per violation, or for injunctive relief or both. Section 113, 42 U.S.C. §7413, of the CAA gives the EPA the authority to seek criminal penalties from any person who knowingly makes any false statement, representation, or certification in any report required under the CAA.

This request is not subject to the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501 et seq., because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

If you have any questions relating to this Information Request, you may consult with the EPA prior to the above specified time. Questions should be directed to Lornette Harvey at (404) 562-8386 or by email at [harvey.lornette@epa.gov](mailto:harvey.lornette@epa.gov). Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Greg M. Worley". The signature is fluid and cursive, with the first name "Greg" being the most prominent.

for Beverly H. Banister  
Director

Air, Pesticides, and Toxics Management Division

Enclosures

cc: Mr. Ron Gore (w/enclosures), ADEM





## **ENCLOSURE A**

### **INFORMATION REQUEST**

For purposes of this information request, the definitions set forth in Section B shall apply and should be considered carefully by you in preparing your responses.

#### **A. INSTRUCTIONS:**

1. Please provide a separate narrative response to each question and subpart of a question set forth in this Information Request and precede each answer with the number of the question to which it corresponds.
2. If requested information or documents are not known or are not available to you at the time of your response to this Information Request, but later become known or available to you, you must supplement your response to the EPA. Moreover, should you find at any time after submission of your response that any portion is or becomes false, incomplete, or misrepresents the facts; you must provide the EPA with a corrected response as soon as possible.
3. Requested information can be submitted in electronic form if applicable.
4. Where specific information has not been memorialized in a document, but is nonetheless responsive to a Request, you must respond to the Request with a written response.
5. The information requested herein must be provided even though BASF may contend that it includes possible confidential information or trade secrets. You may, if you desire, assert a confidentiality claim covering part or all of the information requested, pursuant to Section 114(c) of the CAA, 42 U.S.C. § 7414(c), and 40 C.F.R. § 2.203(b), by attaching to such information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," or "proprietary," or "company confidential." Information covered by such a claim will be disclosed by the EPA only to the extent, and only by means, of the procedures set forth in the statute and regulation identified above. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. You should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.
6. If information responsive to this Information Request is not in your possession, custody or control, then identify the person from whom such information may be obtained.
7. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.



## **B. DEFINITIONS:**

1. The term “you” or “BASF” shall include BASF Corporation, its parent corporation(s) and subsidiaries, the addressees of this Request, and the officers, managers, employees, contractors, trustees, partners, successors, assigns, and agents of the above corporations.
2. “Facility” means the plant (including all physical structures) owned and/or operated by BASF Corporation, located at 1379 Ciba Road, McIntosh, Alabama.
3. The term “identify” means, with respect to a natural person, to set forth the person’s name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
4. The term “identify” means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.
5. The term “identify” means, with respect to a document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), the identity of the author, addressor, addressee(s) and/or recipient, and the substance or the subject matter.
6. The terms “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
7. The term “document” shall include writings of any kind, formal or informal, whether or not wholly or partially in handwriting (including by way of illustration and not by way of limitation), any invoice, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, inter-office or intra-office communications, photostat or other copy of any documents, microfilm or other film record, photograph, sound recording on any type of device, punch card, disc or disc pack, tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use punch card, disc, disc pack, tape or the type of memory); including (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure, notation, annotation, or the like on it, drafts, (d) attachments to or enclosures with any document, and (e) every document referred to in any other document.
8. The term “closed-vent system” is defined in 40 CFR Part 63.161.
9. The term “closed-loop system” is defined in 40 CFR Part 63.161.
10. The term “Group 1 wastewater stream” is defined in 40 CFR Part 63.2550.
11. The term “Group 2 wastewater stream” is defined in 40 CFR Part 63.2550.



12. The term "miscellaneous organic chemical manufacturing process Unit" (MCPU) is defined in 40 CFR Part 63.2550.
13. The term "point of determination" is defined in 40 CFR Part 63.2550.
14. The term "wastewater" is defined in 40 CFR Part 63.2550.
15. The term "wastewater stream" is defined in 40 CFR Part 63.2550.
16. The term "vent stream" is defined in 40 CFR Part 63.111.
17. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in the Clean Air Act, in which case the statutory definitions shall apply.



### **C. INFORMATION REQUEST:**

You are hereby required, in accordance with Section 114(a) of the Act, 42 U.S.C. § 7414(a), to provide the following information for BASF Corporation (BASF) in McIntosh, Alabama.

1. For all of the facility operations, identify with specificity each and every process at the BASF facility. Each process should be clearly identified by the name of the process and/or a unique identification number.
2. For each process, provide a process flow diagram and a piping and instrumentation diagram (P&ID) which shows each wastewater stream, liquid stream, and vent stream for each piece of equipment, and this should include, but not be limited to, knock-out pots, liquid ring vacuum pumps, etc. The diagram should illustrate the origin and complete path of each and every wastewater stream, liquid stream, and vent stream with regard to each piece of equipment. Each stream should be clearly identified by the name of the stream and/or a unique identification number of the stream.
3. For each process identified, provide a complete list of the specific hazardous air pollutants addressed by Section 112 of the Clean Air Act that are associated with each process.
4. For each and every process at BASF, identify with specificity which processes are subject to the provisions of 40 CFR Part 63 Subpart FFFF as well as those which are not subject. For those processes which are not subject to the provisions of 40 CFR Part 63 Subpart FFFF, provide the documentation which clearly demonstrates why those processes are not subject.
5. For all of the facility operations, identify with specificity each and every Miscellaneous Organic Chemical Process Unit (MCPU) at the BASF facility and identify the process with which it is associated. Each MCPU should be clearly identified by the name of the MCPU and/or a unique identification number.
6. Provide a complete list of the specific hazardous air pollutants addressed by Section 112 of the Clean Air Act that are associated with each MCPU and each stream.
7. For each and every MCPU at BASF, identify with specificity which MCPU's are subject to the provisions of 40 CFR Part 63 Subpart FFFF as well as those which are not subject. Also, identify each piece of equipment that is part of each MCPU. For those MCPU's which are not subject to the provisions of 40 CFR Part 63 Subpart FFFF, provide the documentation which clearly demonstrates why those MCPU's are not subject.
8. For each MCPU at the BASF facility which is subject to the provisions of 40 CFR Part 63 Subpart FFFF, provide a detailed process flow diagram. The diagram must identify with specificity each and every piece of equipment in the MCPU, and each and every inlet and outlet stream associated with each piece of equipment. The diagram should also differentiate between liquid streams and vent streams, and must identify each and every wastewater stream, and liquid stream in open systems. Each stream should be clearly identified by the name of the stream and/or a unique identification number of the stream by MCPU. Include with this response, the date of construction and commencement date of each MCPU and its associated ancillary equipment.





9. For each wastewater stream and liquid stream identified in item 8 above, clearly specify which streams are subject to the provisions of 40 CFR Part 63.2485(a) through (o) and the requirements of Table 7 of Subpart FFFF as well as those which are not subject. For those wastewater streams and liquid streams which are not subject to the provisions of 40 CFR Part 63.2485(a) through (o) and the requirements of Table 7 of Subpart FFFF, provide the documentation which clearly demonstrates why those streams are not subject.

10. For each wastewater stream and liquid stream identified in item 9 above, provide complete documentation, including applicable dates (e.g., initial compliance date, date that BASF became subject to this rule), diagrams, calculations, and compliance demonstration verification data as well as sampling and analytical results and testing methodologies, which clearly demonstrates the compliance or non-compliance of each stream and how it was determined with regard to the provisions of 40 CFR Part 63.2485(a) through (o) and the requirements of Table 7 of Subpart FFFF and the provisions of 40 CFR Part 63 Subparts F and G as applicable. In other words, clearly specify by regulatory citation from 40 CFR Part 63.2485(a) through (o) and Table 7 of Subpart FFFF and from 40 CFR Part 63 Subparts F and G each provision of these regulations for which each stream is demonstrating compliance. For those situations where the applicable regulations offer compliance options and/or control options, identify which compliance and/or control option was selected for each Group 1 stream and which standard(s) is being met and match that information to the above requested compliance demonstration verification data. As a part of this documentation, clearly identify which streams are classified as Group 1 and which streams are classified as Group 2.

11. For each wastewater stream and liquid stream identified in item 10 above, please provide the documentation which BASF has historically relied upon and currently relies upon to verify and justify why and how the streams are classified as either Group 1 or Group 2. This information should include when these classifications were made. With regard to any streams which have previously been classified as Group 2 streams, please identify all process changes that were made which would have called for a re-determination of group status as described in 40 CFR Part 63.132(c)(3) and 63.132(d)(3). Such process changes would include, but not be limited to, changes in production capacity, production rate, feedstock type, or whenever there is a replacement, removal, or addition of recovery or control equipment. Also, provide the re-determination documentation. In addition, please identify all process changes that were made which would not have called for a re-determination of group status.

12. For each Group 2 wastewater stream and liquid stream identified in item 10 above or any other wastewater stream or liquid stream that may be excluded from Subpart FFFF, please provide any sampling and analytical data that has been collected by BASF in the last five years, as available.

13. For each wastewater stream and liquid stream identified in item 8 above and not also identified in item 9 above, clearly specify and provide the reasons and documentation supporting why those streams are not subject to any of the provisions of 40 CFR Part 63.2485.

14. For each and every wastewater stream and liquid stream identified in item 9 above, provide a detailed discussion of how the company is treating each and every wastewater stream and liquid stream.

15. For each wastewater treatment system, provide a detailed discussion of how the wastewater treatment system operates. This should include a treatment system diagram, a list of all inlet streams to the treatment system, a list of outlet streams from the treatment system, a description on how the company monitors the treatment system to ensure it is operating properly, a complete copy of the



treatment system test plan, and a complete copy, including attachments, of the initial compliance demonstration report.

16. As defined and regulated in 40 CFR Part 63 Subpart G, provide a complete list, by name and/or unique identification number, of the wastewater tanks, surface impoundments, containers, individual drain systems, and oil-water separators contained within each process. Also, clearly show where it appears within each MCPU on the P&ID requested in item 2 above.

17. For each process and for each MCPU, provide the date that each one began operation.

18. Provide a copy of the Notice of Compliance Status Report that has been prepared and submitted by BASF pursuant to 40 CFR Part 63.2520(d).



## ENCLOSURE B

### Confidential Business Information (CBI) Assertion and Substantiation Requirements

#### A. Assertion Requirements

You may assert a business confidentiality claim covering part or all of the information you submit, other than emissions data and information or data that is otherwise publicly available, as described in 40 CFR 2.203(b). If no business confidentiality claim accompanies the information when it is received by EPA, EPA may make the information available to the public without further notice. To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document over which you make a claim of confidentiality should be marked by placing on or attaching to the information, at the time it is submitted to EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret" or "proprietary" or "business confidential" and a date if any when the information should no longer be treated as confidential. **You must be specific by page, paragraph, and sentence when identifying the information subject to your claim.** Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. Information covered by such a claim will be disclosed by the EPA only to the extent permitted and by means of the procedures set forth by Section 114(c) of the Clean Air Act (the Act), and 40 C.F.R. Part 2, Subpart B. The EPA will construe the failure to furnish a confidentiality claim with your response to the attached letter as a waiver of that claim, and the information may be made available to the public without further notice to you.

Please segregate personnel, medical and similar files from your responses and include that information on separate sheet(s) marked as "Personal Privacy Information" given that disclosure of such information to the general public may constitute an invasion of privacy.

#### B. Substantiation Requirements

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. Part 2, Subpart B. You bear the burden of substantiating your confidentiality claim and must satisfactorily show that disclosure of the information would be likely to cause substantial harm to your business' competitive position; that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; and that the information is not and has not been reasonably obtainable by legitimate means without your consent, among other things. Conclusory allegations will be given little or no weight.

Before EPA makes a final determination regarding your claim of confidentiality, pursuant to 40 C.F.R. Part 2, Subpart B, EPA will send you a letter asking you to substantiate fully your CBI claim by answering 11 questions. Your comments in response to these questions will be used by the EPA to determine whether the information has been shown to meet the requirements so as to be entitled to confidential treatment. You must provide EPA with a response within the number of days set forth in the EPA request letter. Failure to submit your comments within that time will be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information.

EPA will ask you to specify which portions of the information you consider confidential. You must be specific by page, paragraph, and sentence when identifying the information subject to your claim. Please note that if a page, document, group or class of documents claimed by you to be confidential contains a significant amount of information which the EPA determines is not confidential, your confidentiality



claim regarding that page, document, group or class of documents may be denied. Any information not specifically identified as subject to a confidentiality claim may be disclosed without further notice to you. For each item or class of information that you identify as being confidential, EPA will ask you to answer the following questions, giving as much detail as possible, as conclusory allegations will be given little or no weight in EPA's determination:

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to the EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question #1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? If so, specify which.
5. Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
6. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
7. For each item or category of information claimed as confidential, explain with specificity why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
8. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, please explain whether the information is the kind that would customarily not be released to the public.
9. Whether you assert the information as voluntary or involuntary, please address why disclosure of the information would tend to lessen the availability to the EPA of similar information in the future.
10. If you believe any information to be (a) trade secret (s), please so state and explain the reason for your belief. Please attach copies of those pages containing such information with brackets around the text that you claim to be (a) trade secret (s).
11. Explain any other issue you deem relevant (including, if pertinent, reasons why you believe that the information you claim to be CBI is not emission data or effluent data).





Please note that emission data provided under Section 114 of the Act, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2. "Emission data" means, with reference to any source of emission of any substance into the air - (A) information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing; (B) information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including, to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and (C) a general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source). 40 C.F.R. §§ 2.301(a)(2)(i)(A), (B) and (C).

Information designated confidential will be disclosed by EPA only to the extent allowed by, and by means of the procedures set forth in, 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.



## **ENCLOSURE C**

This is to be signed and dated by a duly authorized official of BASF Corporation.

### **STATEMENT OF CERTIFICATION**

I hereby certify that the foregoing responses and information provided to the EPA in response to its Clean Air Act, Section 114, Information Request were prepared under my direction or supervision and that I have personal knowledge of all matters set forth in the responses and the accompanying information or that I consulted with individuals having personal knowledge (note, please identify such individuals). I certify that the responses are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

---

Signature and Date

---

Printed Name and Title





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

DEC 18 2014

**UNITED PARCEL SERVICE**

Ms. Cheri Robbins  
Environment Analyst  
Circle K Stores  
25 W. Cedar Street, Suite K  
Pensacola, FL 32502

Dear Ms. Robbins:

The U. S. Environmental Protection Agency hereby requires that Circle K Stores provide information as part of an EPA investigation to determine the compliance status of the company with the National Emission Standards for Hazardous Air Pollutants (NESHAP): Gasoline Dispensing Facilities codified at 40 C.F.R. Part 63, Subpart CCCCCC of the Clean Air Act, as amended (the Act).

Pursuant to Section 114(a) of the Act, 42 U.S.C. §7414(a), the Administrator of the EPA is authorized to require any person who owns or operates any emission source, or who is subject to any requirement of the Act, to establish and maintain such records, make such reports, and provide such other information as the Administrator may reasonably require, for the purposes of determining whether such person is in violation of any provision of the Act. This authority has been duly delegated to the Director of the Air, Pesticides, and Toxics Management Division Region 4.

Therefore, Circle K Stores is required to respond to the enclosed Information Request within thirty (30) days of your receipt of this letter, unless the EPA, for good cause shown, extends in writing the deadline for responding to the request. You should respond to this Information Request as completely as possible. The response must be delivered to the EPA or postmarked no later than the above deadline. Send one complete copy of your response, including supporting documentation, to the following address:

U.S. EPA Region 4  
South Air Enforcement Section  
Sam Nunn Atlanta Federal Center  
61 Forsyth Street, SW  
Atlanta, GA 30303-8960  
ATTN: Ms. Sharron Porter

Failure to comply with this requirement to provide information is a violation of Section 114 of the Act and could result in an enforcement action for the recovery of civil penalties not to exceed \$37,500 per day, per violation, or for injunctive relief or both. Section 113, 42 U.S.C. §7413, of the Act gives the EPA the authority to seek criminal penalties from any person who knowingly makes any false statement, representation, or certification in any report required under the Act.

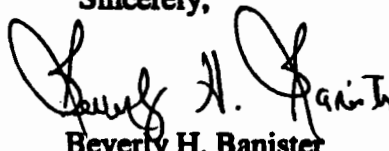


Under 40 C.F.R. Part 2, Subpart B, you may assert a business confidentiality claim covering part or all of the information you submit, other than emissions data and information or data that is otherwise publicly available, as described in 40 CFR §§ 2.203(b); 2.301(a) and 2.301(e). The page, paragraph, and sentence must be identified for any information subject to a claim of business confidentiality. Requirements for asserting a claim of business confidentiality are described in Section A of Enclosure A. If no business confidentiality claim accompanies the information when it is received by the EPA, the EPA may make the information available to the public without further notice. If a business confidentiality claim accompanies the information when it is received by the EPA, Section B of Enclosure A describes the confidential business information substantiation requirements you will be asked to comply with in the event that the EPA receives a Freedom of Information Act request or otherwise wants to determine whether such information is entitled confidential treatment. See 40 C.F.R. § 2.204. In those instances, you will be given an opportunity to submit comments on your claim by responding to 11 questions in Section B of Enclosure A. See 40 C.F.R. § 2.204(e)(4). Your comments in response to these questions will be used by the EPA to determine whether the information has been shown to meet the requirements so as to be entitled to confidential treatment. Failure to submit your comments by the deadline in the letter will be regarded as a waiver of your confidentiality claim, and the EPA may release the information.

This required submittal of information is not subject to the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. Chapter 35.

If you have any questions relating to this Information Request, you may consult with the EPA prior to the time specified above. Questions should be directed to Ms. Sharron Porter at (404) 562-9172 or by electronic mail at [porter.sharron@epa.gov](mailto:porter.sharron@epa.gov). Thank you for your cooperation in this matter.

Sincerely,



Beverly H. Banister  
Director

Air, Pesticides and Toxics Management Division

Enclosure

cc: Mr. Mike Halpin (w/enclosure)  
Interim Deputy Secretary  
FDEP

Ms. Paula Cobb (w/enclosure)  
Director, Division of Air Resource Management  
FDEP

Mr. Jeff Koerner (w/enclosure)  
Program Administrator, Office of Permitting and Compliance  
FDEP





## ENCLOSURE A

### **Confidential Business Information (CBI) Assertion and Substantiation Requirements**

#### **A. Assertion Requirements**

You may assert a business confidentiality claim covering part or all of the information you submit, other than emissions data and information or data that is otherwise publicly available, as described in 40 CFR 2.203(b). If no business confidentiality claim accompanies the information when it is received by EPA, EPA may make the information available to the public without further notice. To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document over which you make a claim of confidentiality should be marked by placing on or attaching to the information, at the time it is submitted to EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret" or "proprietary" or "business confidential" and a date if any when the information should no longer be treated as confidential. **You must be specific by page, paragraph, and sentence when identifying the information subject to your claim.** Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. Information covered by such a claim will be disclosed by the EPA only to the extent permitted and by means of the procedures set forth by Section 114(c) of the Clean Air Act (the Act), and 40 C.F.R. Part 2, Subpart B. The EPA will construe the failure to furnish a confidentiality claim with your response to the attached letter as a waiver of that claim, and the information may be made available to the public without further notice to you.

Please segregate personnel, medical and similar files from your responses and include that information on separate sheet(s) marked as "Personal Privacy Information" given that disclosure of such information to the general public may constitute an invasion of privacy.

#### **B. Substantiation Requirements**

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. Part 2, Subpart B. **You bear the burden of substantiating your confidentiality claim** and must satisfactorily show that disclosure of the information would be likely to cause substantial harm to your business' competitive position; that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; and that the information is not and has not been reasonably obtainable by legitimate means without your consent, among other things. Conclusory allegations will be given little or no weight.

Before EPA makes a final determination regarding your claim of confidentiality, pursuant to 40 C.F.R. Part 2, Subpart B, EPA will send you a letter asking you to substantiate fully your CBI claim by answering 11 questions. Your comments in response to these questions will be used by the EPA to determine whether the information has been shown to meet the requirements so as to be entitled to confidential treatment. You must provide EPA with a response within the number of days set forth in the EPA request letter. Failure to submit your comments within that time will be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information.

EPA will ask you to specify which portions of the information you consider confidential. You must be specific by page, paragraph, and sentence when identifying the information subject to your claim. Please note that if a page, document, group or class of documents claimed by you to be confidential contains a significant amount of information which the EPA determines is not confidential, your confidentiality claim regarding that page, document, group or class of documents may be denied. Any



information not specifically identified as subject to a confidentiality claim may be disclosed without further notice to you. For each item or class of information that you identify as being confidential, EPA will ask you to answer the following questions, giving as much detail as possible, as conclusory allegations will be given little or no weight in EPA's determination:

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to the EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question #1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? If so, specify which.
5. Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
6. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
7. For each item or category of information claimed as confidential, explain with specificity why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
8. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, please explain whether the information is the kind that would customarily not be released to the public.
9. Whether you assert the information as voluntary or involuntary, please address why disclosure of the information would tend to lessen the availability to the EPA of similar information in the future.
10. If you believe any information to be (a) trade secret (s), please so state and explain the reason for your belief. Please attach copies of those pages containing such information with brackets around the text that you claim to be (a) trade secret (s).
11. Explain any other issue you deem relevant (including, if pertinent, reasons why you believe that the information you claim to be CBI is not emission data or effluent data).



Please note that emission data provided under Section 114 of the Act, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2. "Emission data" means, with reference to any source of emission of any substance into the air - (A) information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing; (B) information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including, to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and (C) a general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source). 40 C.F.R. §§ 2.301(a)(2)(i)(A), (B) and (C).

Information designated confidential will be disclosed by EPA only to the extent allowed by, and by means of the procedures set forth in, 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.



## **ENCLOSURE B**

For purposes of this letter, the definitions set forth in Section B shall apply and should be considered carefully by you in preparing your responses to this Information Request letter.

### **A. INSTRUCTIONS:**

1. Please provide a separate narrative response to each question and subpart of a question set forth in this Information Request and precede each answer with the number of the question to which it corresponds.
2. If requested information or documents are not known or are not available to you at the time of your response to this Information Request, but later become known or available to you, you must supplement your response to EPA. Moreover, should you find at any time after submission of your response that any portion is or becomes false, incomplete, or misrepresents the facts; you must provide EPA with a corrected response as soon as possible.

### **B. DEFINITIONS:**

1. "Document" means written documentation of any kind, including documentation solely in electronic form. It includes any document in the possession or control of Circle K Stores or the possession or control of any person or entity hired by Circle K Stores. A copy of a document rather than the original may be provided.
2. The terms "person" or "persons", shall have the meaning set forth in Section 302(e) of the Act, 42 U.S.C. § 7602(e), and includes an individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency, department, or instrumentality of the United States and any officer, agent or employee thereof.
3. The terms "relate to" or "pertain to" (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.
4. The terms "you" or "your", as used in each of the questions set forth in the attached Section 114 letter, refers to, and shall mean, the company or corporation with which each addressee of the attached Section 114 letter is affiliated, including its subsidiaries, divisions, affiliates, predecessors, successors, assigns, and its former and present officers, directors, agents, employees, representatives, attorneys, consultants, accountants and all other persons acting on its behalf.
5. "ANY" means all of the Circle K stores located in the State of Florida.
6. "Facility" means the entire manufacturing facility (including all physical structures) located at each Circle K stores located in Florida that has a monthly gasoline throughput greater than 100,000.
7. "Commenced" means with respect to construction or reconstruction of an affected source, that an owner or operator has undertaken a continuous program of construction or reconstruction or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or reconstruction.





8. "Construction" means the on-site fabrication, erection, or installation of an affected source. Construction does not include removal of all equipment comprising an affected source from an existing location and reinstallation of such equipment at a new location. The owner or operator of an existing affected source that is relocated may elect not to install minor ancillary equipment including, but not limited to, piping, ductwork, and valves. However, removal and reinstallation of an affected source will be construed as reconstruction as defined in 40 C.F.R. Section 63.2. The costs of replacing minor ancillary equipment must be considered in determining whether the existing affected source is reconstructed.
9. "Area Source" means a facility that emits or has the potential to emit in the absence of controls, less than 10 tons per year (TPY) of individual hazardous air pollutant (HAP) and 25 TPY of combined HAP.
10. "Gasoline" means any petroleum distillate or petroleum distillate/alcohol blend having a Reid vapor pressure of 27.6 kilopascals or greater, which is used as a fuel for internal combustion engines.
11. "Gasoline dispensing facility (GDF)" means any stationary facility which dispenses gasoline into the fuel tank of a motor vehicle, motor vehicle engine, nonroad vehicle, or nonroad engine, including a nonroad vehicle or nonroad engine used solely for competition. These facilities include, but are not limited to, facilities that dispense gasoline into on- and off-road, street, or highway motor vehicles, lawn equipment, boats, test engines, landscaping equipment, generators, pumps, and other gasoline-fueled engines and equipment.
12. "Monthly throughput" means the total volume of gasoline that is loaded into, or dispensed from, all gasoline storage tanks at each GDF during a month. Monthly throughput is calculated by summing the volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at each GDF during the current day, plus the total volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at each GDF during the previous 364 days, and then dividing that sum by 12.
13. "Submerged filling" means, for the purposes of this subpart, the filling of a gasoline storage tank through a submerged fill pipe whose discharge is no more than the applicable distance specified in 40 C.F.R. § 63.11117(b) from the bottom of the tank. Bottom filling of gasoline storage tanks is included in this definition.
14. "Vapor balance system" means a combination of pipes and hoses that create a closed system between the vapor spaces of an unloading gasoline cargo tank and a receiving storage tank such that vapors displaced from the storage tank are transferred to the gasoline cargo tank being unloaded.
15. "Dual-point vapor balance system" means a type of vapor balance system in which the storage tank is equipped with an entry port for a gasoline fill pipe and a separate exit port for a vapor connection.
16. "New Source" means an affected source constructed after November 9, 2006. Compliance with this subpart must occur by January 10, 2008 or upon startup if startup occurs after January 10, 2008.
17. "Existing Source" means an affected source that is not new or reconstructed. Compliance with this subpart must occur no later than January 10, 2011.



### **C. INFORMATION REQUESTS:**

In order to determine whether Circle K Stores, Inc. is in compliance with Subpart CCCCCC of the Act, as set forth above, you are hereby required, in accordance with §114(a) of the Act, 42 U.S.C. §7414(a), for the period from January 10, 2008 (new source) or January 10, 2011 (existing source), to the present, unless otherwise stated for questions 1 through 7, to provide the following information:

Circle K Stores subject to this Information Request:

- a. Circle K Store #2707610, 3804 Garcon Point Rd., Milton, FL
- b. Circle K Store #2704966, 2200 Hwy. 29, Suite B, Cantonment, FL
- c. Circle K Store #2707608, 2665 Avalon Blvd., Milton, FL
- d. Circle K Store #2708821, 10685 US Hwy 98 W, Miramar Beach, FL
- e. Circle K Store #2704964, 700 E Bayfront Pkwy, Pensacola, FL
- f. Circle K Store #2707680, 601 N New Warrington Rd, Pensacola, FL
- g. Circle K Store # 2704967, 5661 Quintette Rd, Pace, FL
- h. Circle K Store # 2705090, Hwy 89 & SR 191, Milton, FL
- i. Circle K Store #2708224, 4450 Bayou Blvd, Pensacola, FL
- j. Circle K Store #2704960, 330 Kenmore Rd, Pensacola, FL
- k. Circle K Store #2701718, 2020 W Cervantez St, Pensacola, FL
- l. Circle K Store # 2704790, 3109 Pace Blvd, Pensacola, FL

1. For the GDFs listed above, provide the following information:

- a. Construction date of each GDF; and
- b. The monthly throughput of gasoline for each month in the calendar year 2008 to the present for new sources and 2011 to the present for existing sources (include the name of the fuel supplier). Do **not** include diesel fuel.

2. For **each** gasoline storage tank at each GDF, provide the following information with supporting documentation:

- a. Installation date;
- b. Capacity (in gallons of gasoline);
- c. Whether or not there is a submerged fill pipe;
- d. The date of installation of any submerged fill pipe;
- e. The distance from the bottom of the tank to the bottom edge of any submerged fill pipe;
- f. Whether or not there is a vapor balance system;
- g. The date of installation of any vapor balance system; and
- h. Records of initial and every three year pressure test for certain vapor balancing systems.

3. Do you own or operate any other gasoline dispensing facilities, other than the facilities identified above that are located in the state of Florida? If yes, provide the same information requested above in paragraph 1 of this section for each additional facility identified.

4. Provide a copy of the initial notification, as described at 40 C.F.R. §§63.9(b)(2) and 63.11124, previously submitted to the Florida Department of Environmental Protection (FDEP) and the Environmental Protection Agency (EPA).



5. Provide a copy of all notification of compliance status reports described at 40 C.F.R. §§ 63.9(b)(2) and 63.11124, previously submitted to FDEP and/or EPA.
6. Provide complete copies of all notification of performance test reports as well as the performance testing reports for air pollution control systems conducted for the affected sources described in response to Question 2 above. Also provide copies of operating manuals for all control systems that was used to demonstrate compliance with 40 C. F. R. Part 63, Subpart CCCCCC.
7. Provide a copy of any report that describes any malfunction for 2008 to the present for new sources and 2011 to the present for existing sources from the compliance requirements as described in 40 C.F.R. § 63.11126(b).



## **ENCLOSURE C**

This is to be signed and dated by a duly authorized official of Circle K Stores, Inc.

### **STATEMENT OF CERTIFICATION**

I hereby certify that the foregoing responses and information provided to the EPA in response to its Clean Air Act, Section 114, Information Request were prepared under my direction or supervision and that I have personal knowledge of all matters set forth in the responses and the accompanying information or that I consulted with individuals having personal knowledge (note, please identify such individuals). I certify that the responses are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

---

Signature and Date

---

Printed Name and Title







3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

DEC 23 2014

**UNITED PARCEL SERVICE**

Mr. John Kasmark  
Site Manager  
SNF - Riceboro/Flocryl, Inc.  
P.O. Box 250  
Riceboro, Georgia 31323

Dear Mr. Kasmark:

The purpose of this letter is to request information as part of a U.S. Environmental Protection Agency investigation of the SNF Holding Company's SNF- Riceboro facility (SNF - Riceboro), located in Riceboro, Georgia, to determine the compliance status with the requirements of the Clean Air Act (CAA or Act), 42 U.S.C. § 7401, *et seq.*, specifically with the wastewater requirements of 40 C.F.R. Part 63, Subpart FFFF (National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing) for wastewater streams.

Section 114(a) of the CAA, 42 U.S.C § 7414(a), authorizes the Administrator of the EPA to require any person who owns or operates an emission source, whom the Administrator believes may have information necessary for the purposes of Section 114(a), or who is subject to any requirement of the CAA, to provide such information as the Administrator may reasonably require for the purpose of carrying out any provision of the CAA. This authority has been duly delegated to the Director of the Air, Pesticides, and Toxics Management Division Region 4.

Therefore, pursuant to Section 114(a), SNF - Riceboro is directed to respond to the enclosed Information Request (Enclosure A) within thirty (30) days of receipt of this Section 114 Information Request. The EPA, for good cause shown, may extend the deadline for responding to the request. The response to the information requested must be accompanied by the enclosed Statement of Certification (Enclosure C), which is to be signed by a responsible official of SNF - Riceboro. You should respond to this Information Request as completely as possible. The response must be delivered to the EPA or be postmarked no later than the above deadline. Send one complete copy of your response, including supporting documentation, to the following address:

Kevin Taylor  
Air & EPCRA Enforcement Branch  
U.S. EPA, Region 4  
Atlanta Federal Center  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303

Under 40 C.F.R. Part 2, Subpart B, you may assert a business confidentiality claim covering part or all of the information you submit, other than emissions data and information or data that is otherwise publicly available, as described in 40 CFR 2.203(b). The page, paragraph, and sentence must be




identified for any information subject to a claim of business confidentiality. If no business confidentiality claim accompanies the information when it is received by the EPA, the EPA may make the information available to the public without further notice. Enclosure B specifies the assertion and substantiation requirements for business confidentiality claims. Please note that if the EPA receives a Freedom of Information Act request for information you claim to be business confidential, or wants to determine whether such information is entitled confidential treatment, you will be required to bear the burden of substantiating your confidentiality claim. See 40 C.F.R. § 2.204(a) and (d). In those instances, you will be given an opportunity to submit comments on your claim by responding to 11 questions in Enclosure B. Your comments in response to these questions will be used by the EPA to determine whether the information has been shown to meet the requirements so as to be entitled to confidential treatment. Failure to submit your comments by the deadline in the letter will be regarded as a waiver of your confidentiality claim, and the EPA may release the information.

Failure to comply fully with this request for information is a violation of Section 114 of the CAA and could result in an enforcement action for the recovery of civil penalties not to exceed \$37,500 per day, per violation, or for injunctive relief or both. Section 113, 42 U.S.C. § 7413, of the CAA gives the EPA the authority to seek criminal penalties from any person who knowingly makes any false statement, representation, or certification in any report required under the CAA.

This request is not subject to the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501 et seq., because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

If you have any questions relating to this Information Request, you may consult with the EPA prior to the above specified time. Questions should be directed to Kevin Taylor at (404) 562-9134 or by email at [taylor.kevin@epa.gov](mailto:taylor.kevin@epa.gov). Thank you for your cooperation in this matter.

Sincerely,

  
Beverly H. Banister  
Director  
Air, Pesticides and Toxics Management Division

**Enclosures**

cc: Bert Langley  
Director of Compliance  
Georgia Environmental Protection Division

Sean Taylor, Manager  
Stationary Source Compliance Program  
Air Protection Branch  
Georgia Environmental Protection Division



## **ENCLOSURE A**

### **INFORMATION REQUEST**

For purposes of this information request, the definitions set forth in Section B shall apply and should be considered carefully by you in preparing your responses.

#### **A. INSTRUCTIONS:**

1. Please provide a separate narrative response to each question and subpart of a question set forth in this Information Request and precede each answer with the number of the question to which it corresponds.
2. If requested information or documents are not known or are not available to you at the time of your response to this Information Request, but later become known or available to you, you must supplement your response to the EPA. Moreover, should you find at any time after submission of your response that any portion is or becomes false, incomplete, or misrepresents the facts; you must provide the EPA with a corrected response as soon as possible.
3. Requested information can be submitted in electronic form if applicable.
4. Where specific information has not been memorialized in a document, but is nonetheless responsive to a Request, you must respond to the Request with a written response.
5. The information requested herein must be provided even though SNF - Riceboro may contend that it includes possible confidential information or trade secrets. You may, if you desire, assert a confidentiality claim covering part or all of the information requested, pursuant to Section 114(c) of the CAA, 42 U.S.C. § 7414(c), and 40 C.F.R. § 2.203(b), by attaching to such information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," or "proprietary," or "company confidential." Information covered by such a claim will be disclosed by the EPA only to the extent, and only by means, of the procedures set forth in the statute and regulation identified above. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. You should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.
6. If information responsive to this Information Request is not in your possession, custody or control, then identify the person from whom such information may be obtained.
7. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.



## **B. DEFINITIONS:**

1. The term "you" or "SNF - Riceboro" shall include SNF Holding Company, its parent corporation(s) and subsidiaries, the addressees of this Request, and the officers, managers, employees, contractors, trustees, partners, successors, assigns, and agents of the above corporations.
2. "Facility" means the plant (including all physical structures) owned and/or operated by SNF - Riceboro, located at Chemical Plant Road, Riceboro, Georgia 31323.
3. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
4. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.
5. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), the identity of the author, addressor, addressee(s) and/or recipient, and the substance or the subject matter.
6. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
7. The term "document" shall include writings of any kind, formal or informal, whether or not wholly or partially in handwriting (including by way of illustration and not by way of limitation), any invoice, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, inter-office or intra-office communications, photostat or other copy of any documents, microfilm or other film record, photograph, sound recording on any type of device, punch card, disc or disc pack, tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use punch card, disc, disc pack, tape or the type of memory); including (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure, notation, annotation, or the like on it, drafts, (d) attachments to or enclosures with any document, and (e) every document referred to in any other document.
8. The term "closed-vent system" is defined in 40 CFR Part 63.161.
9. The term "closed-loop system" is defined in 40 CFR Part 63.161.
10. The term "Group 1 wastewater stream" is defined in 40 CFR Part 63.2550.
11. The term "Group 2 wastewater stream" is defined in 40 CFR Part 63.2550.





12. The term "miscellaneous organic chemical manufacturing process Unit" (MCPU) is defined in 40 CFR Part 63.2550.
13. The term "point of determination" is defined in 40 CFR Part 63.2550.
14. The term "wastewater" is defined in 40 CFR Part 63.2550.
15. The term "wastewater stream" is defined in 40 CFR Part 63.2550.
16. The term "vent stream" is defined in 40 CFR Part 63.111.
17. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in the Clean Air Act, in which case the statutory definitions shall apply.



### **C. INFORMATION REQUEST:**

You are hereby required, in accordance with Section 114(a) of the Act, 42 U.S.C. § 7414(a), to provide the following information for SNF - Riceboro in Riceboro, Georgia.

1. For all of the facility operations, identify with specificity each and every process at the SNF - Riceboro facility. Each process should be clearly identified by the name of the process and/or a unique identification number.
2. For each process, provide a process flow diagram and a piping and instrumentation diagram (P&ID) which shows each wastewater stream, liquid stream, and vent stream for each piece of equipment, and this should include, but not be limited to, knock-out pots, liquid ring vacuum pumps, etc. The diagram should illustrate the origin and complete path of each and every wastewater stream, liquid stream, and vent stream with regard to each piece of equipment. Each stream should be clearly identified by the name of the stream and/or a unique identification number of the stream.
3. For each process identified, provide a complete list of the specific hazardous air pollutants addressed by Section 112 of the Clean Air Act that are associated with each process.
4. For each and every process at SNF - Riceboro, identify with specificity which processes are subject to the provisions of 40 CFR Part 63 Subpart FFFF as well as those which are not subject. For those processes which are not subject to the provisions of 40 CFR Part 63 Subpart FFFF, provide the documentation which clearly demonstrates why those processes are not subject.
5. For all of the facility operations, identify with specificity each and every Miscellaneous Organic Chemical Process Unit (MCPU) at the SNF - Riceboro facility and identify the process with which it is associated. Each MCPU should be clearly identified by the name of the MCPU and/or a unique identification number.
6. Provide a complete list of the specific hazardous air pollutants addressed by Section 112 of the Clean Air Act that are associated with each MCPU and each stream.
7. For each and every MCPU at SNF - Riceboro, identify with specificity which MCPU's are subject to the provisions of 40 CFR Part 63 Subpart FFFF as well as those which are not subject. Also, identify each piece of equipment that is part of each MCPU. For the MCPU's which are not subject to the provisions of 40 CFR Part 63 Subpart FFFF, provide the documentation which clearly demonstrates why those MCPU's are not subject.
8. For each MCPU at the SNF - Riceboro facility which is subject to the provisions of 40 CFR Part 63 Subpart FFFF, provide a detailed process flow diagram. The diagram must identify with specificity each and every piece of equipment in the MCPU, and each and every inlet and outlet stream associated with each piece of equipment. The diagram should also differentiate between liquid streams and vent streams, and must identify each and every wastewater stream, and liquid stream in open systems. Each stream should be clearly identified by the name of the stream and/or a unique identification number of the stream by MCPU. Include with this response, the date of construction and commencement date of each MCPU and its associated ancillary equipment.



9. For each wastewater stream and liquid stream identified in item 8 above, clearly specify which streams are subject to the provisions of 40 CFR Part 63.2485(a) through (o) and the requirements of Table 7 of Subpart FFFF as well as those which are not subject. For those wastewater streams and liquid streams which are not subject to the provisions of 40 CFR Part 63.2485(a) through (o) and the requirements of Table 7 of Subpart FFFF, provide the documentation which clearly demonstrates why those streams are not subject.
10. For each wastewater stream and liquid stream identified in item 9 above, provide complete documentation, including applicable dates (e.g., initial compliance date, date that SNF - Riceboro became subject to this rule), diagrams, calculations, and compliance demonstration verification data as well as sampling and analytical results and testing methodologies, which clearly demonstrates the compliance or non-compliance of each stream and how it was determined with regard to the provisions of 40 CFR Part 63.2485(a) through (o) and the requirements of Table 7 of Subpart FFFF and the provisions of 40 CFR Part 63 Subparts F and G as applicable. In other words, clearly specify by regulatory citation from 40 CFR Part 63.2485(a) through (o) and Table 7 of Subpart FFFF and from 40 CFR Part 63 Subparts F and G each provision of these regulations for which each stream is demonstrating compliance. For those situations where the applicable regulations offer compliance options and/or control options, identify which compliance and/or control option was selected for each Group 1 stream and which standard(s) is being met and match that information to the above requested compliance demonstration verification data. As a part of this documentation, clearly identify which streams are classified as Group 1 and which streams are classified as Group 2.
11. For each wastewater stream and liquid stream identified in item 10 above, please provide the documentation which SNF - Riceboro has historically relied upon and currently relies upon to verify and justify why and how the streams are classified as either Group 1 or Group 2. This information should include when these classifications were made. With regard to any streams which have previously been classified as Group 2 streams, please identify all process changes that were made which would have called for a re-determination of group status as described in 40 CFR Part 63.132(c)(3) and 63.132(d)(3). Such process changes would include, but not be limited to, changes in production capacity, production rate, feedstock type, or whenever there is a replacement, removal, or addition of recovery or control equipment. Also, provide the re-determination documentation. In addition, please identify all process changes that were made which would not have called for a re-determination of group status.
12. For each Group 2 wastewater stream and liquid stream identified in item 10 above or any other wastewater stream or liquid stream that may be excluded from Subpart FFFF, please provide any sampling and analytical data that has been collected by SNF - Riceboro in the last five years, as available.
13. For each wastewater stream and liquid stream identified in item 8 above and not also identified in item 9 above, clearly specify and provide the reasons and documentation supporting why those streams are not subject to any of the provisions of 40 CFR Part 63.2485.
14. For each and every wastewater stream and liquid stream identified in item 9 above, provide a detailed discussion of how the company is treating each and every wastewater stream and liquid stream.



- 15. For each wastewater treatment system, provide a detailed discussion of how the wastewater treatment system operates. This should include a treatment system diagram, a list of all inlet streams to the treatment system, a list of outlet streams from the treatment system, a description on how the company monitors the treatment system to ensure it is operating properly, a complete copy of the treatment system test plan, and a complete copy, including attachments, of the initial compliance demonstration report.**
- 16. As defined and regulated in 40 CFR Part 63 Subpart G, provide a complete list, by name and/or unique identification number, of the wastewater tanks, surface impoundments, containers, individual drain systems, and oil-water separators contained within each process. Also, clearly show where it appears within each MCPU on the P&ID requested in item 2 above.**
- 17. For each process and for each MCPU, provide the date that each one began operation.**
- 18. Provide a copy of the Notice of Compliance Status Report that has been prepared and submitted by SNF - Riceboro pursuant to 40 CFR Part 63.2520(d).**





## **ENCLOSURE B**

### **CONFIDENTIAL BUSINESS INFORMATION (CBI)**

#### **Assertion and Substantiation Requirements**

##### **A. ASSERTION REQUIREMENTS**

You may assert a business confidentiality claim covering part or all of the information you submit, other than emissions data and information or data that is otherwise publicly available, as described in 40 CFR 2.203(b). If no business confidentiality claim accompanies the information when it is received by EPA, EPA may make the information available to the public without further notice. To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document over which you make a claim of confidentiality should be marked by placing on or attaching to the information, at the time it is submitted to EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret" or "proprietary" or "business confidential" and a date if any when the information should no longer be treated as confidential. You must be specific by page, paragraph, and sentence when identifying the information subject to your claim. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. Information covered by such a claim will be disclosed by the EPA only to the extent permitted and by means of the procedures set forth by Section 114(c) of the Clean Air Act (the Act), and 40 C.F.R. Part 2, Subpart B. The EPA will construe the failure to furnish a confidentiality claim with your response to the attached letter as a waiver of that claim, and the information may be made available to the public without further notice to you.

Please segregate personnel, medical and similar files from your responses and include that information on separate sheet(s) marked as "Personal Privacy Information" given that disclosure of such information to the general public may constitute an invasion of privacy.

##### **B. SUBSTANTIATION REQUIREMENTS**

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. Part 2, Subpart B. You bear the burden of substantiating your confidentiality claim and must satisfactorily show that disclosure of the information would be likely to cause substantial harm to your business' competitive position; that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; and that the information is not and has not been reasonably obtainable by legitimate means without your consent, among other things. Conclusory allegations will be given little or no weight.

Before EPA makes a final determination regarding your claim of confidentiality, pursuant to 40 C.F.R. Part 2, Subpart B, EPA will send you a letter asking you to substantiate fully your CBI claim by answering 11 questions. Your comments in response to these questions will be used by the EPA to determine whether the information has been shown to meet the requirements so as to be entitled to confidential treatment. You must provide EPA with a response within the number of days set forth in the EPA request letter. Failure to submit your comments within that time will be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information.



EPA will ask you to specify which portions of the information you consider confidential. You must be specific by page, paragraph, and sentence when identifying the information subject to your claim. Please note that if a page, document, group or class of documents claimed by you to be confidential contains a significant amount of information which the EPA determines is not confidential, your confidentiality claim regarding that page, document, group or class of documents may be denied. Any information not specifically identified as subject to a confidentiality claim may be disclosed without further notice to you. For each item or class of information that you identify as being confidential, EPA will ask you to answer the following questions, giving as much detail as possible, as conclusory allegations will be given little or no weight in EPA's determination:

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to the EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question #1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? If so, specify which.
5. Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
6. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
7. For each item or category of information claimed as confidential, explain with specificity why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
8. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, please explain whether the information is the kind that would customarily not be released to the public.
9. Whether you assert the information as voluntary or involuntary, please address why disclosure of the information would tend to lessen the availability to the EPA of similar information in the future.



10. If you believe any information to be (a) trade secret (s), please so state and explain the reason for your belief. Please attach copies of those pages containing such information with brackets around the text that you claim to be (a) trade secret (s).
11. Explain any other issue you deem relevant (including, if pertinent, reasons why you believe that the information you claim to be CBI is not emission data or effluent data).

Please note that emission data provided under Section 114 of the Act, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2. "Emission data" means, with reference to any source of emission of any substance into the air - (A) information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing; (B) information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including, to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and (C) a general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source). 40 C.F.R. §§ 2.301(a)(2)(i)(A), (B) and (C).

Information designated confidential will be disclosed by EPA only to the extent allowed by, and by means of the procedures set forth in, 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.



## **ENCLOSURE C**

This is to be signed and dated by a duly authorized official of SNF - Riceboro.

### **STATEMENT OF CERTIFICATION**

I hereby certify that the foregoing responses and information provided to the EPA in response to its Clean Air Act, Section 114, Information Request were prepared under my direction or supervision and that I have personal knowledge of all matters set forth in the responses and the accompanying information or that I consulted with individuals having personal knowledge (note, please identify such individuals). I certify that the responses are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

---

**Signature and Date**

---

**Printed Name and Title**







UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

JAN 22 2015

UNITED PARCEL SERVICE

Mr. Brent Hanson  
Environmental Manager  
SNF Holding Company  
P.O. Box 250  
Riceboro, Georgia 31323

Dear Mr. Hanson:

The U.S. Environmental Protection Agency, Region 4 is in receipt of your electronic mail dated January 9, 2015, in which, on behalf of SNF Holding Company and the SNF Riceboro facility (SNF), you requested an extension to the EPA's December 23, 2014, request for information. The EPA's request for information was received by SNF on or about December 29, 2014, and required a response in 30 calendar days (January 29, 2015).

At this time, the EPA will anticipate receiving the information listed in item number 1, items number 3 through 7, and items number 15 through 18 of the information request by the January 29, 2015, due date. For the remainder of the information requested, the EPA is granting a 30 day extension. The complete response to the EPA's letter is now due on **Monday, March 2, 2015**. As detailed in Enclosure A of the information request, under Section A [Instructions], item number 2, please provide any responsive documents that are presently available and, if it is found that some of the current documentation needs to be updated or corrected in the future, provide a supplement once the changes are made.

Should you have any questions regarding this letter, please feel free to contact Mr. Kevin Taylor of my staff at (404) 562-9134 or by email at [taylor.kevin@epa.gov](mailto:taylor.kevin@epa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Todd Russo", with a long horizontal line extending to the left.

Todd Russo  
Chief  
South Air Enforcement Section





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

FEB 06 2015

UNITED PARCEL SERVICE

Mr. Jose Alvarez  
Plant Manager – Montevallo Plant  
Lhoist North America of Alabama, LLC  
7444 State Highway 25 South  
Calera, Alabama 35040

Dear Mr. Alvarez:

The U.S. Environmental Protection Agency is requiring Lhoist North America of Alabama, LLC (Lhoist) to submit certain information about the lime kilns and associated equipment operated at its Montevallo Plant in Calera, Alabama. The EPA is issuing this information request pursuant to Section 114(a) of the Clean Air Act (CAA), 42 U.S.C. § 7414(a), which authorizes the Administrator of the EPA to require the submission of information for the purpose of determining compliance. The Administrator has delegated this authority to the Director of the Air, Pesticides and Toxics Management Division, Region 4. Information available to the EPA indicates that Lhoist owns and operates a lime manufacturing facility at 7444 State Highway 25 South, Calera, Alabama. The EPA is requesting this information to determine whether this facility is in compliance with the CAA, including requirements for New Source Review.

Please refer to the enclosures to this letter in preparing a response to this request. Enclosure A specifies the information pertaining to this facility that must be submitted. Enclosure B contains instructions and definitions that should be used to provide the requested information. Enclosure C contains requirements for asserting and substantiating a claim of business confidentiality. A response to this request must be sent to the EPA **within forty-five (45) calendar days** after Lhoist receives this letter, unless the EPA, for good cause shown, extends in writing the deadline for responding to the request.

All required information must be sent to:

U.S. EPA, Region 4  
Air, Pesticides and Toxics  
Management Division  
61 Forsyth St, SW  
Atlanta, GA 30303  
ATTN: Jason Dressler (AETB)



Under 40 C.F.R. Part 2, Subpart B, Lhoist may assert a business confidentiality claim covering part or all of the information it submits, other than emissions data and information or data that is otherwise publicly available, as described in 40 CFR §§ 2.203(b); 2.301(a) and 2.301(e). The page, paragraph, and sentence must be identified for any information subject to a claim of business confidentiality.

Requirements for asserting a claim of business confidentiality are described in Section A of Enclosure C. If no business confidentiality claim accompanies the information when it is received by the EPA, the EPA may make the information available to the public without further notice. If a business confidentiality claim accompanies the information when it is received by the EPA, Section B of Enclosure C describes the confidential business information substantiation requirements Lhoist will be asked to comply with in the event that the EPA receives a Freedom of Information Act request or otherwise wants to determine whether such information is entitled confidential treatment.

See 40 C.F.R. § 2.204. In those instances, Lhoist will be given an opportunity to submit comments on its claim by responding to 11 questions in Section B of Enclosure C. See 40 C.F.R. § 2.204(e)(4). Lhoist's comments in response to these questions will be used by the EPA to determine whether the information has been shown to meet the requirements so as to be entitled to confidential treatment. Failure to submit comments by the deadline in the letter will be regarded as a waiver of Lhoist's confidentiality claim, and the EPA may release the information.

Lhoist must submit all requested information under an authorized signature with the following certification:

I hereby certify that I have personally examined and am familiar with the statements and information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true, correct, accurate, and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, or omitting required statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the CAA, and 18 U.S.C. §§ 1001 and 1341.

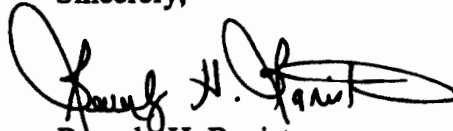
This request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 et seq., because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation. To aid in our electronic record keeping efforts, please provide the response to this request for information without staples. Paper clips, binder clips, and three-ring binders are acceptable.

Failure to comply fully with this request for information is a violation of Section 114 of the CAA and may subject Lhoist to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413, for the recovery of civil penalties not to exceed \$37,500 per day of violation, or for injunctive relief or both. Section 113 of the CAA gives the EPA the authority to seek criminal penalties from any person who knowingly makes any false statement, representation, or certification in any report required under the CAA.



Please direct any questions regarding this request for information to Jason Dressler, either by telephone at 404-562-9208, or by email at [dressler.jason@epa.gov](mailto:dressler.jason@epa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Beverly H. Banister", with a large, stylized flourish at the end.

Beverly H. Banister

Director

Air, Pesticides and Toxics Management Division

Enclosures

cc: Mr. Ron Gore, Chief, Air Division  
Alabama Department of Environmental Management





## **ENCLOSURE A – Information Request**

The Lhoist North America of Alabama, LLC, Montevallo Plant in Calera, Alabama (Facility) must submit the following information to the U.S. EPA, Region 4 Office, within 45 days of the date of receipt, unless otherwise stated, pursuant to Section 114 of the Clean Air Act (CAA), 42 U.S.C. § 7414:

1. Provide a map of the Facility and the area immediately surrounding the Facility identifying all sources of air emissions at the Facility.
2. Provide a detailed narrative description of the current processes at the Facility, including the kiln shell, kiln internals, crushing equipment, quarry, stone bin, the cooler, any preheater, fans, and related air pollution control devices, describing each unit which produces air emissions and each air emissions control unit, in relation to the process. In the narrative, describe the function of each unit and describe the chemical or physical process occurring at each stage of the process. Also provide a schematic of the Facility, and provide a legend to tie this schematic to the narrative description.
3. Provide up-to-date process flow diagrams of the Facility. On the diagrams, using a key for clarity purposes, identify each of the units listed in response to question 2 and question 15. The diagram must include all emissions units, continuous emissions monitors (CEMS), continuous opacity monitoring systems (COMS), and air pollution control devices. Where applicable, indicate capacity rates of material feed and/or exhaust flow.
4. Provide copies of any and all CAA construction permits and CAA operating permits or any similar permits issued to the Facility since January 1, 2000.
5. Provide copies of any and all applications which the Facility submitted to the Alabama Department of Environmental Management (ADEM) for a CAA construction permit, CAA operating permit, or a Title V permit since January 1, 2000 with the project number assigned by ADEM for such permitting request or action.
6. Indicate the dates of initial construction and start-up of all emission units at the Facility, and where appropriate, indicate the date of modification or permanent shutdown of any of the emission units.
7. Identify all emission decreases utilized to calculate any net emissions increases or decreases as indicated in any of the Facility's CAA construction, CAA operating, or Title V applications from January 1, 2000 to the present. Provide calculations, assumptions, and a description of the methods and documents utilized in calculating these emissions decreases. Provide all documents that show that these decreases are federally enforceable.
8. Identify and describe, in a chronologically organized table, all capital expenditures of \$25,000 or greater made at the Facility since January 1, 2000. This should include, but not be limited to capital expenditures associated with alterations or modifications to the equipment and/or in the method of operation, and additions or changes in fuel type, fuel feed operations, raw material feed rates, production rates, emission rates, and/or air pollution control equipment. In the table, include the date each project commenced, the date each project was completed (implemented), a brief description of each project, vendor name, work order number, and the fixed capital cost of each project in nominal dollars. Indicate in this table whether the facility received a permit for



the modification and cross reference to the list of permits and permit applications provided in response to questions 4 and 5.

9. For each capital expenditure identified in question 8 (indexed to that change on the table), provide:
  - a. An analysis and quantification of the effect of the change on the production and/or emissions from the unit;
  - b. Whether the Facility considered it a major modification for Prevention of Significant Deterioration and/or nonattainment New Source Review purposes;
  - c. All assumptions, emission factors, and calculations utilized in making the determination that the modification was or was not a major modification;
  - d. Any and all correspondence, studies, or reports related to such analyses;
  - e. The basis for the Facility's determination that the change was or was not a major modification for each pollutant;
  - f. Copies of the any and all best available control technology ("BACT") and lowest achievable emission rate ("LAER") analyses (performed by the Facility, any State/federal agency, or any consultant or contractor) related to any emission unit at the Facility for any of the changes in the table; and
  - g. Any and all correspondence, studies, or reports related to such BACT or LAER determinations.
10. For each expenditure identified in question 8 which costs \$100,000 or greater (indexed to that project on the table), provide copies of all capital appropriation requests, financial justifications, and authorizations, including attachments and addenda, generated by or prepared on behalf of the Facility or its predecessors concerning that project.
11. For each expenditure of \$100,000 or greater identified in question 10 (indexed to that change on the table in question 8), provide copies of all engineering analyses, reports, planning documents, meeting notes, studies, project information, internal or external correspondence, email, memoranda, and telephone discussion summaries. This shall include all documents which discuss each project with respect to air emissions; which discuss project economics; or which discuss associated production rates (including, but not limited to, possible, potential, or likely effects on air emissions or compliance with CAA requirements).
12. Provide the current "projected capital outlay plan" or any other document(s) that sets forth operational and equipment changes and identifies the projected capital expenditures that the Facility will be making in the next five years (or any other planning period used) at the Facility. In addition, provide capital planning documents (i.e., five year plans and all other comparable documents) for the period January 1, 2000, to the present.
13. List and provide all life extension and life optimization studies, evaluations, assessments and reports, including any reports and/or correspondence, related to extending the life of the equipment at the Facility, for the period January 1, 2000, to the present. Provide all documents related to internal or external reporting of the capacity of the Facility, including, but not limited to, reports to corporate offices, corporate boards or any similar communication.



14. Provide all planning, meeting notes, studies and project information related to efforts to increase the performance and/or reliability of equipment at the Facility on either a short-term or annual basis for the period January 1, 2000, to the present.
15. Provide a list of the air pollution control devices in operation at the Facility and state:
  - a. The pollutant it controls;
  - b. A description of the stack on which the control device is located;
  - c. A list of the processes included in the response to question 2 that vent to this stack;
  - d. A description of the device, including, but not limited to, the vendor, size, and related control efficiency;
  - e. The date the device was installed and the date it began operation; and
  - f. The vendor guarantee for the control efficiency of the device, for each pollutant it affects.
16. Provide a table in electronic format that includes the following data for each month for each kiln for the period between January 1, 2000, and the present. For any gaps in data, indicate whether the kiln was operating or not and why there is a gap in the data.
  - a. Total production of lime (tons);
  - b. Total mass of raw material feed to the kiln (tons);
  - c. Type of raw material and percentage of each type of raw material;
  - d. Mass of any scrubber sludge produced each year (tons);
  - e. Hours of operation of each kiln; and
  - f. A description of the data and methodology used in calculating items a. through e.
17. Based on data from the CEMS, continuous emission rate monitoring system (CERMS), COMS, or from any other source of data, provide a table in electronic format that includes the following data for each day for each kiln from January 1, 2000, to the present. If daily emissions data are not available provide emissions data on a monthly basis and explain in detail why the daily information is not available. For any gaps in data, indicate whether the kiln was operating or not and why there is a gap in the data:
  - a. Emissions in pounds per ton of lime produced and tons per day for each operating day (midnight to midnight) for the following pollutants: NO<sub>x</sub>, SO<sub>2</sub>, CO, VOCs, PM, and PM<sub>10</sub>;
  - b. A description of the source of the data and methodology used to obtain the data in 17a; and
  - c. If CEMS, CERMS, or COMS data is not available, provide full copies of all performance testing, lime production, and emission factors for each pollutant from January 1, 2000 to the present.
18. Summarize each of the following production and emissions limits and identify all changes to each such limit in chronological order from January 1, 2000, to the present for each kiln:
  - a. Allowable lime production rate in tons per day;
  - b. Allowable NO<sub>x</sub> (indicate NO<sub>x</sub> species) emissions in parts per million, pounds per hour, pounds per day, tons per year, and pounds per ton of lime;



- c. Allowable SO<sub>2</sub> emissions in parts per million, pounds per hour, pounds per day, tons per year, and pounds per ton of lime;
- d. Allowable CO emissions in parts per million, pounds per hour, pounds per day, tons per year, and pounds per ton of lime;
- e. Allowable VOC emissions in parts per million, pounds per hour, pounds per day, tons per year, and pounds per ton of lime; and
- f. Allowable PM, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions in parts per million, pounds per hour, pounds per day, and tons per year.

**19. Provide the following records regarding fuel usage for each kiln:**

- a. A list of fuels fired before January 6, 1975;
- b. A description of how each fuel listed in response to item a. would have been consumed or processed prior to January 6, 1975, including a description of the equipment in place in 1975 and the equipment used for fuel delivery, storage, and transfer to where it is used;
- c. A list of what fuel is used and what fuel could be used with the equipment listed in item 19b. and the configuration of the equipment in place today. For each fuel on the list, provide a description of the current fuel delivery, storage, and transfer to each location where it is used;
- d. For each fuel introduced or added after 1975, a list of the first day each fuel type was fired;
- e. For each fuel introduced or added after 1975, a description of what equipment was put in place to facilitate the initial use of the fuel during the date listed in response to item 19d;
- f. Copies of any permits since 1975, regarding current or past fuel use in the kilns or determinations by the State that no permit was necessary;
- g. For each fuel listed in response to item 19c. of this question, a description of any fuel quality monitoring conducted at the facility and the specific methods used, a list of the dates during which fuel quality monitoring was conducted, and summaries of this monitoring since January 1, 2000;
- h. The annual fuel use, by fuel type, for each kiln at the Facility from January 1, 2000 through the present, including:
  - i. The types and quantities of each fuel combusted;
  - ii. The sulfur content in weight percent for each fuel;
  - iii. The heating value (in BTUs) of each type of fuel; and
- i. The monthly fuel use, by fuel type, for each kiln at the Facility from January 1, 2000 through the present, including:
  - i. The types and quantities of each fuel combusted;
  - ii. The sulfur content in weight percent for each fuel;
  - iii. The heating value (in BTUs) of each type of fuel.

**20. Provide copies of the following CAA reports, pertaining to operations of the Facility, from January 1, 2000, to the present:**

- a. Excess emissions reports;
- b. Emissions inventory reports; and
- c. Variances issued by a regulatory agency.

**21. Provide a list of all CAA enforcement actions taken by any regulatory agency against the Facility from January 1, 2000, to the present. Include copies of any CAA-related administrative or judicial complaints filed against the Facility, any notices of violation or notices of non-**





compliance issued to the Facility, any documents resolving violations by the Facility such as consent decrees or consent orders, and any orders issued against the Facility, such as administrative orders. For each CAA enforcement action identified pursuant to this question, summarize all fees or fines paid by the Facility including the amount and date paid and describe any injunctive-type relief performed by the Facility.

22. From January 1, 2000, to the present, for each emission source (kiln, raw mill, and cooler unit) at the Facility, provide a list of the dates of all complete or partial air emissions testing for all units for SO<sub>2</sub>, NO<sub>x</sub>, PM (including filterable and condensable particulate), VOC, CO, lead, mercury, hydrogen chloride, dioxin/furan, and any other regulated air pollutant. Emission testing includes, but is not limited to, compliance testing, engineering testing, and testing for general information. For each emission test, provide a copy of the summary pages from each report, including the emission rates as well as all the operating parameters recorded during the tests, such as kiln feed rate, fuel type and firing rate, and lime production rate. Indicate whether each report was shared with the local or state permitting agency.
23. To the extent not provided before, provide copies of any correspondence from January 1, 2000, through the present, between the state, local, or federal permitting authority, regarding the installation or modification of any emission unit or the emission limits for any emission unit at the Facility, including, but not limited to, applicability determinations, regulatory interpretations, and approval orders.
24. Provide a copy of all documents submitted to the National Lime Association ("NLA") or United States Geological Survey ("USGS") as part of plant information surveys or annual reports since 2000 related to the capacity or production rates of the Facility.
25. Provide the name and address of the party who should receive official correspondence on behalf of the Facility concerning this matter.



## **ENCLOSURE B – Instructions & Definitions**

When providing the information requested in Enclosure A, use the following instructions and definitions.

### **A. Instructions**

1. Please identify the individual(s), including title, responsible for responding to this request.
2. Provide a separate narrative response to each question and subpart of a question set forth in the Information Request.
3. Precede each answer with the number of the question to which it corresponds and at the end of each answer identify the person(s) that provided information that was used or considered in responding to that question, as well as each person that was consulted in the preparation of that response.
4. Indicate on each document produced in response to this Information Request, or in some other reasonable manner, the number of the question to which it corresponds.
5. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
6. Where documents or information necessary for a response are neither in your possession nor available to you, indicate in your response why such documents or information is unavailable or not in your possession and identify any source that either possesses or is likely to possess such information.
7. Whenever possible, provide responses in electronic format (i.e. pdf, spreadsheet, etc.).
8. Whenever electronic data is specifically requested in Enclosure A, it must be provided in editable Excel or Lotus format, and not in image format. If Excel or Lotus formats are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.

### **B. Definitions**

All terms used in this Request for Information will have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 *et. seq.*, 40 C.F.R. Part 52 (which incorporates the Federally-approved Stated Implementation Plan), or other CAA implementing regulations. Reference is made to the EPA regulatory provisions only; however, you should apply the applicable Federally-approved state provisions when appropriate. Definitional clarification is specified below.

1. The term “capital expenditure,” “capital appropriation,” or “capital project” means a monetary expenditure on depreciable equipment, including any costs to design, engineer, transport, and install said equipment.



2. The term "capital appropriation request" shall mean any document used by plant personnel in seeking management approval for planned expenditures at the Facility. These documents are also known as authorizations for expenditure, capital requests or other, similar names.
3. The term "construction" means fabrication, erection, or installation of depreciable equipment.
4. The term "continuous emissions monitoring system" or "CEMS" means the total equipment, required under the emission monitoring sections in applicable subparts, used to sample and condition (if applicable), to analyze, and to provide a permanent record of emissions or process parameters.
5. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in a form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include attachments to or enclosures with any document.
6. The term "modification" means any physical or operational change.
7. The term "present" shall mean the date this request was received.
8. The terms "relate to" or "pertain to" (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.
9. The term "tons" means short tons or 2,000 pounds.



## **ENCLOSURE C – Confidential Business Information (CBI) Assertion and Substantiation Requirements**

### **A. Assertion Requirements**

You may assert a business confidentiality claim covering part or all of the information you submit, other than emissions data and information or data that is otherwise publicly available, as described in 40 CFR 2.203(b). If no business confidentiality claim accompanies the information when it is received by EPA, EPA may make the information available to the public without further notice. To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document over which you make a claim of confidentiality should be marked by placing on or attaching to the information, at the time it is submitted to EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as “trade secret” or “proprietary” or “business confidential” and a date if any when the information should no longer be treated as confidential. **You must be specific by page, paragraph, and sentence when identifying the information subject to your claim.** Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. Information covered by such a claim will be disclosed by the EPA only to the extent permitted and by means of the procedures set forth by Section 114(c) of the Clean Air Act (the Act), and 40 C.F.R. Part 2, Subpart B. The EPA will construe the failure to furnish a confidentiality claim with your response to the attached letter as a waiver of that claim, and the information may be made available to the public without further notice to you.

Please segregate personnel, medical and similar files from your responses and include that information on separate sheet(s) marked as “Personal Privacy Information” given that disclosure of such information to the general public may constitute an invasion of privacy.

### **B. Substantiation Requirements**

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. Part 2, Subpart B. You bear the burden of substantiating your confidentiality claim and must satisfactorily show that disclosure of the information would be likely to cause substantial harm to your business’ competitive position; that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; and that the information is not and has not been reasonably obtainable by legitimate means without your consent, among other things. Conclusory allegations will be given little or no weight.

Before EPA makes a final determination regarding your claim of confidentiality, pursuant to 40 C.F.R. Part 2, Subpart B, EPA will send you a letter asking you to substantiate fully your CBI claim by answering 11 questions. Your comments in response to these questions will be used by the EPA to determine whether the information has been shown to meet the requirements so as to be entitled to confidential treatment. You must provide EPA with a response within the number of days set forth in the EPA request letter. Failure to submit your comments within that time will be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information.

EPA will ask you to specify which portions of the information you consider confidential. You must be specific by page, paragraph, and sentence when identifying the information subject to your claim. Please note that if a page, document, group or class of documents claimed by you to be confidential contains a significant amount of information which the EPA determines is not confidential, your





confidentiality claim regarding that page, document, group or class of documents may be denied. Any information not specifically identified as subject to a confidentiality claim may be disclosed without further notice to you. For each item or class of information that you identify as being confidential, EPA will ask you to answer the following questions, giving as much detail as possible, as conclusory allegations will be given little or no weight in EPA's determination:

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to the EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question #1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? If so, specify which.
5. Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
6. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
7. For each item or category of information claimed as confidential, explain with specificity why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
8. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, please explain whether the information is the kind that would customarily not be released to the public.
9. Whether you assert the information as voluntary or involuntary, please address why disclosure of the information would tend to lessen the availability to the EPA of similar information in the future.
10. If you believe any information to be (a) trade secret (s), please so state and explain the reason for your belief. Please attach copies of those pages containing such information with brackets around the text that you claim to be (a) trade secret (s).



11. Explain any other issue you deem relevant (including, if pertinent, reasons why you believe that the information you claim to be CBI is not emission data or effluent data).

Please note that emission data provided under Section 114 of the Act, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2. "Emission data" means, with reference to any source of emission of any substance into the air - (A) information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing; (B) information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including, to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and (C) a general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source). 40 C.F.R. §§ 2.301(a)(2)(i)(A), (B) and (C).

Information designated confidential will be disclosed by EPA only to the extent allowed by, and by means of the procedures set forth in, 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.





**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

**FEB 06 2015**

Mr. Garney B. Scott, III  
President  
Scepter Greeneville, Inc.  
1485 Scepter Lane  
Waverly, Tennessee 37185-3290

Dear Mr. Scott:

The U.S. Environmental Protection Agency hereby requires that Scepter Greeneville, Inc. (Company), provide information as part of an investigation to determine the compliance status of the Company's Midway, Tennessee facility with the requirements of the Clean Air Act, as amended (the Act or CAA).

Pursuant to Section 114(a) of the Act, 42 U.S.C. §7414(a), the Administrator of the EPA is authorized to require any person who owns or operates any emission source, or who is subject to any requirement of the Act, to establish and maintain such records, make such reports, and provide such other information as the Administrator may reasonably require, for the purpose of determining whether such person is in violation of any provision of the Act. This authority has been duly delegated to the Director, Air, Pesticides, and Toxics Management Division, Region 4.

The required submittal of information is not subject to the provisions of the Paperwork Reduction Act, 44 U.S.C. Chapter 35. The response to the information requested must be accompanied by the enclosed Statement of Certification, which is to be signed by a responsible official of the Company. A response to this information request must be sent to the EPA within thirty (30) calendar days upon receipt of this letter, unless the EPA, for good cause shown, extends in writing the deadline for responding to the request. All required information must be sent to:

Sam Nunn Atlanta Federal Center  
U.S. EPA Region 4  
South Air Enforcement and Toxics Section  
61 Forsyth Street, SW  
Atlanta, GA 30303-8960  
ATTN: Chetan Gala

Under 40 C.F.R. Part 2, Subpart B, you may assert a business confidentiality claim covering part or all of the information you submit, other than emissions data and information or data that is otherwise publicly available, as described in 40 C.F.R. §§ 2.203(b); 2.301(a) and 2.301(e). The page, paragraph, and sentence must be identified for any information subject to a claim of business confidentiality. Requirements for asserting a claim of business confidentiality are described in Section A of Enclosure A. If no business confidentiality claim accompanies the information when it is received by the EPA, the EPA may make the information available to the public without further notice. If a business confidentiality claim accompanies the information when it is received by the EPA, Section B of Enclosure A describes the confidential business information substantiation requirements you will be



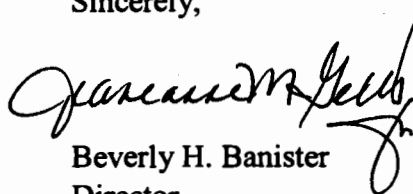
asked to comply with in the event that the EPA receives a Freedom of Information Act request or otherwise wants to determine whether such information is entitled confidential treatment.

See 40 C.F.R. § 2.204. In those instances, you will be given an opportunity to submit comments on your claim by responding to 11 questions in Section B of Enclosure A. See 40 C.F.R. § 2.204(e)(4). Your comments in response to these questions will be used by the EPA to determine whether the information has been shown to meet the requirements so as to be entitled to confidential treatment. Failure to submit your comments by the deadline in the letter will be regarded as a waiver of your confidentiality claim, and the EPA may release the information.

Failure to comply with this requirement to provide information is a violation of Section 114 of the CAA and could result in an enforcement action for the recovery of civil penalties not to exceed \$37,500 per day of violation, or for injunctive relief or both. Section 113 of the CAA, 42 U.S.C. §7413, gives the EPA the authority to seek criminal penalties from any person who knowingly makes any false statement, representation, or certification in any report required under the CAA.

If you have any questions relating to this Information Request, please contact Mr. Chetan Gala at (404) 562-9746.

Sincerely,



Beverly H. Banister  
Director

Air, Pesticides and Toxics Management Division

Enclosures: A. CBI  
B. Request for Information  
C. Statement of Certification

cc: Barry R. Stephens, Director (w/enclosures)  
Tennessee Division of Air Pollution Control





## ENCLOSURE A

### Confidential Business Information (CBI) Assertion and Substantiation Requirements

#### A. Assertion Requirements

You may assert a business confidentiality claim covering part or all of the information you submit, other than emissions data and information or data that is otherwise publicly available, as described in 40 CFR 2.203(b). If no business confidentiality claim accompanies the information when it is received by EPA, EPA may make the information available to the public without further notice. To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document over which you make a claim of confidentiality should be marked by placing on or attaching to the information, at the time it is submitted to EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret" or "proprietary" or "business confidential" and a date if any when the information should no longer be treated as confidential. **You must be specific by page, paragraph, and sentence when identifying the information subject to your claim.** Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. Information covered by such a claim will be disclosed by the EPA only to the extent permitted and by means of the procedures set forth by Section 114(c) of the Clean Air Act (the Act), and 40 C.F.R. Part 2, Subpart B. The EPA will construe the failure to furnish a confidentiality claim with your response to the attached letter as a waiver of that claim, and the information may be made available to the public without further notice to you.

Please segregate personnel, medical and similar files from your responses and include that information on separate sheet(s) marked as "Personal Privacy Information" given that disclosure of such information to the general public may constitute an invasion of privacy.

#### B. Substantiation Requirements

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. Part 2, Subpart B. You bear the burden of substantiating your confidentiality claim and must satisfactorily show that disclosure of the information would be likely to cause substantial harm to your business' competitive position; that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; and that the information is not and has not been reasonably obtainable by legitimate means without your consent, among other things. Conclusory allegations will be given little or no weight.

Before EPA makes a final determination regarding your claim of confidentiality, pursuant to 40 C.F.R. Part 2, Subpart B, EPA will send you a letter asking you to substantiate fully your CBI claim by answering 11 questions. Your comments in response to these questions will be used by the EPA to determine whether the information has been shown to meet the requirements so as to be entitled to confidential treatment. You must provide EPA with a response within the number of days set forth in the EPA request letter. Failure to submit your comments within that time will be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information.



EPA will ask you to specify which portions of the information you consider confidential. You must be specific by page, paragraph, and sentence when identifying the information subject to your claim. Please note that if a page, document, group or class of documents claimed by you to be confidential contains a significant amount of information which the EPA determines is not confidential, your confidentiality claim regarding that page, document, group or class of documents may be denied. Any information not specifically identified as subject to a confidentiality claim may be disclosed without further notice to you. For each item or class of information that you identify as being confidential, EPA will ask you to answer the following questions, giving as much detail as possible, as conclusory allegations will be given little or no weight in EPA's determination:

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to the EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question #1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? If so, specify which.
5. Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
6. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
7. For each item or category of information claimed as confidential, explain with specificity why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
8. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, please explain whether the information is the kind that would customarily not be released to the public.
9. Whether you assert the information as voluntary or involuntary, please address why disclosure of the information would tend to lessen the availability to the EPA of similar information in the future.
10. If you believe any information to be (a) trade secret (s), please so state and explain the reason for your belief. Please attach copies of those pages containing such information with brackets around the text that you claim to be (a) trade secret (s).
11. Explain any other issue you deem relevant (including, if pertinent, reasons why you believe that the information you claim to be CBI is not emission data or effluent data).



Please note that emission data provided under Section 114 of the Act, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2. "Emission data" means, with reference to any source of emission of any substance into the air - (A) information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing; (B) information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including, to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and (C) a general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source). 40 C.F.R. §§ 2.301(a)(2)(i)(A), (B) and (C).

Information designated confidential will be disclosed by EPA only to the extent allowed by, and by means of the procedures set forth in, 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.



**ENCLOSURE B**  
**REQUEST FOR INFORMATION**

For purposes of this letter, the definitions set forth in Section B shall apply and should be considered carefully by you in preparing your responses to this Information Request letter.

**A. INSTRUCTIONS:**

1. Please provide a separate narrative response to each item and subpart of an item set forth in this information request and precede each answer/response with the number of the item to which it corresponds.
2. If requested information, records or documents are not known or are not available to you at the time of your response to this information request, but later become known or available to you, you must supplement your response to EPA. Moreover, should you find at any time after submission of your response that any portion is or becomes false, incomplete, or misrepresents the facts; you must provide EPA with a corrected response as soon as possible.
3. If documentation requested information are in electronic form such as spread sheet, database, etc., you may provide that information electronically in the same form in/on an appropriate media that is a CD/Flash drive, etc., instead of paper.

**B. DEFINITIONS:**

1. "Document" or "Record" or "documents" or "records" means written documentation of any kind, including documentation solely in electronic form. It includes any document in the possession or control of Scepter Greeneville, Inc. (Facility), or the possession or control of any person or entity hired by the company. A copy of a document rather than the original may be provided.
2. The terms "person" or "persons" shall have the meaning set forth in Section 302(e) of the Clean Air Act (Act), 42 U.S.C. §7602(e), and includes an individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency, department, or instrumentality of the United States and any officer, agent or employee thereof.
3. The terms "relate to" or "pertain to" (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.





4. The terms “you” or “your”, as used in each of the questions set forth in the attached Section 114 letter, refers to, and shall mean, the company or corporation with which each addressee of the attached Section 114 letter is affiliated, including its subsidiaries, divisions, affiliates, predecessors, successors, assigns, and its former and present officers, directors, agents, employees, representatives, attorneys, consultants, accountants and all other persons acting on its behalf.
5. “Scepter Greeneville” means Scepter Greeneville, Inc., and its facility, located at 1230 Pottertown Road, Midway, Tennessee.
6. “Facility” means the entire manufacturing facility (including all physical structures) located at 1230 Pottertown Road, Midway, Tennessee.
7. “Operating Cycle” means for a batch process, the period beginning when the feed material is first charged to the operation and ending when all feed material charged to the operation has been processed. For a batch melting or holding furnace process, *operating cycle* means the period including the charging and melting of scrap aluminum and the fluxing, refining, alloying, and tapping of molten aluminum (the period from tap-to-tap).
8. “Malfunction” means any sudden, infrequent, and not reasonably preventable failure of air pollution control and monitoring equipment, process equipment, or a process to operate in a normal or usual manner which causes, or has the potential to cause, the emission limitations in an applicable standard to be exceeded. Failures that are caused in part by poor maintenance or careless operation are not malfunctions.
9. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in the Act or 40 CFR Part 63, in which case the statutory or regulatory definitions shall apply.

**C. INFORMATION REQUEST:**

Unless otherwise stated, please provide the requested information from December 17 through December 20, 2014.

1. Please provide a list and brief description of all materials that have been processed at the facility in each furnace during each year from January 2013 to present. Also, provide a separate list and description of all materials processed in each furnace particularly from December 17, 2014 through December 20, 2014.
2. Please provide the following records. One or more of the same may be requested elsewhere herein, and if so, please submit relevant information separately if they differ even slightly; or submit it once and refer to the specific information request item number it addresses or responds to.
  - a. Recorded pH values of the stack exhaust gas and the inlet tap water;



- b. The ammonia injection rate;
  - c. A copy of any relative humidity data recorded for the day;
  - d. A list of each emission (process) unit in operation;
  - e. A list of each control device in operation;
  - f. A description of the operational status of the each equipment in operation (e.g., normal operation, upset conditions, startup, shutdown, malfunction, etc.);
  - g. Identify if there were any control device operating parameter deviations; and
  - h. Identify if there were any process equipment operating parameter deviations.
- 
3. Provide copies of process records for each Operating Cycle of Rotary Furnace No. 1 that contains the following:
    - a. Type of charge;
    - b. Weight of charge;
    - c. Type of flux used (solid/liquid/gas);
    - d. Weight of flux used each time;
    - e. Time of each flux addition/injection;
    - f. The total reactive flux addition/injection rate as calculated per 40 CFR §63.1512(o); and
    - g. Copy of the heat sheets for each Operating Cycle.
  4. Provide copies of process records for each Operating Cycle of Rotary Furnace No. 2 that contains the following:
    - a. Type of charge;
    - b. Weight of charge;
    - c. Type of flux used (solid/liquid/gas);
    - d. Weight of flux used each time;
    - e. Time of each flux addition/injection;
    - f. The total reactive flux addition/injection rate as calculated per 40 CFR §63.1512(o); and
    - g. Copy of the heat sheets for each Operating Cycle.
  5. Provide copies of process records for each Operating Cycle of the Reverberatory Furnace that contains the following:
    - a. Type of charge;
    - b. Weight of charge;
    - c. Type of flux used (solid/liquid/gas);
    - d. Weight of flux used each time;
    - e. Time of each flux addition/injection;
    - f. The total reactive flux addition/injection rate as calculated per 40 CFR §63.1512(o); and
    - g. Copy of heat the sheets for each Operating Cycle.
  6. Provide copies of the baghouse inlet temperature in three (3) hour blocks as required by 40 CFR §63.1512(m) for each baghouse.



7. Indicate whether or not any furnace experienced a malfunction. If so, please provide a response to the following: [NOTE: If more than one (1) furnace malfunctioned, please provide your response separately for each furnace].
- How long was the furnace in malfunction status? Also, provide the time and date the malfunction began and the time and date the malfunction ended;
  - What was determined to be the cause of malfunction;
  - What corrective actions were taken to remedy the malfunction;
  - Provide a copy of the relevant logs and checklists including, but not limited to, documentation such as malfunction log, maintenance log, and inspection checklist;
  - Was specific Operation, Maintenance, and Monitoring (OM&M) plan requirements utilized in addressing the malfunction? Please provide a copy of the most current OM&M plan and the specific OM&M plan utilized if different from the most current OM&M plan; and describe in detail the requirements implemented or utilized to address the malfunction;
  - Was specific Startup, Shutdown, and Malfunction (SSM) plan requirements utilized in addressing the malfunction? Please provide a copy of the most current SSM plan and the specific SSM plan utilized if different from the most current SSM plan; and describe in detail the requirements implemented or utilized to address the malfunction;
  - Was the malfunction reported to the permitting authority? If so, please provide a copy of all documentation, time and date of reporting; and
  - Was there a follow-up notification to the permitting authority upon resolution of the malfunction and having brought the furnace back into normal operational status? If so, please provide a copy of any documentation.
8. Indicate whether or not if any furnace was in a startup or shutdown mode. If so, please provide a response to the following: [NOTE: If more than one (1) furnace malfunctioned, please provide your response separately for each furnace].
- Was a furnace startup following a malfunction? If not, please provide a detailed explanation and relevant supporting documentation; and
  - Was a furnace shutdown the result of a malfunction? If not, please provide a detailed explanation and relevant supporting documentation.
9. Indicate whether or not any baghouse experienced a malfunction. If so, please provide a response to the following: [NOTE: If more than one baghouse malfunctioned, please provide your response separately for each baghouse].
- How long was the baghouse in malfunction status? Also, provide the time and date the malfunction began and the time and date the malfunction ended;
  - What was determined to be the cause of the malfunction?
  - What corrective actions were taken to remedy the malfunction?



- d. Provide a copy of the relevant logs and checklists including, but not limited to, documentation such as a baghouse malfunction log, maintenance log, and inspection checklist.
  - e. Was OM&M plan requirements utilized in addressing the malfunction? Please describe in detail the OM&M plan requirements implemented or utilized to address the malfunction;
  - f. Was specific SSM plan requirements utilized in addressing the malfunction? Please describe in detail the SSM requirements implemented or utilized to address the malfunction;
  - g. Was the malfunction reported to the permitting authority? If so, please provide a copy of all documentation; and
  - h. Was there a follow-up notification to the permitting authority upon resolution of the malfunction and having brought the baghouse back into normal operational status? If so, please provide a copy of all documentation.
10. Indicate whether or not the ammonia feed/injection system experienced a malfunction. If so, please provide a response to the following: [NOTE: Indicate which baghouse was affected by the ammonia feed/injection system malfunction].
- a. How long was the ammonia injection system in malfunction status? Also, provide the time and date the malfunction began and the time and date the malfunction ended;
  - b. What was determined to be the cause of malfunction;
  - c. What corrective actions were taken to remedy the malfunction;
  - d. Provide a copy of the relevant logs and checklists including, but not limited to, documentation such as a malfunction log, maintenance log, and inspection checklist;
  - e. Was specific OM&M plan requirements utilized in addressing the malfunction? Please describe in detail the OM&M plan requirements implemented or utilized to address the malfunction;
  - f. Was specific SSM plan requirements utilized in addressing the malfunction? Please describe in detail the SSM plan requirements implemented or utilized to address the malfunction;
  - g. Is there a separate plan or protocol addressing the operation, maintenance and malfunction response? If so, please provide a copy and describe in detail the requirements of the said separate plan or protocol implemented or utilized.
  - h. Was the malfunction reported to the permitting authority? If so, please provide a copy of all documentation; and
  - i. Was there a follow-up notification to the permitting authority upon resolution of the malfunction and having brought the ammonia feed/injection system back into normal operational status? If so, please provide a copy of all documentation.
11. Please provide a copy of any visible emissions (VE) observations/readings taken by company staff or any other designee from July 16, 2014, to present. Please provide relevant documentation including, but not limited to, the following: [NOTE: Please provide your response separately for each stack/capture/control system/baghouse].





- a. A copy of the training and VE certification of the observer/reader;
  - b. A copy of VE observations/readings;
  - c. A copy of any relative humidity data, wind speed, wind direction, and temperature during the VE observation period;
  - d. A description of the plumes background; and
  - e. A description of the plume including the color, and whether the plume is attached or detached for each set of observations/readings.
- 
12. Please provide a copy of any VE observations/readings illustrating the compliance status with the permit conditions 67 and 77 of the source operating permit # 463610 amended July 16, 2014. Also, please include the following:
- a. A copy of the training and VE certification of the observer/reader;
  - b. A copy of VE observations/readings;
  - c. A copy of any relative humidity data, wind speed, wind direction, and temperature during the VE observation period;
  - d. A description of the plumes background; and
  - e. A description of the plume including the color, and whether the plume is attached or detached for each set of observations/readings.
13. Provide a copy of any video or photographs taken of all the baghouse stacks with or without a visible emissions.



ENCLOSURE C

SCEPTER GREENEVILLE, INC., INFORMATION REQUEST

This is to be signed and dated by a duly authorized official of Scepter Greeneville, Inc.

STATEMENT OF CERTIFICATION

I hereby certify that the foregoing responses and information provided to EPA in response to its Clean Air Act, Section 114, Information Request were prepared under my direction or supervision and that I have personal knowledge of all matters set forth in the responses and the accompanying information or that I consulted with individuals having personal knowledge (note, please identify such individuals). I certify that the responses are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

---

Signature and Date





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

FEB 06 2015

UNITED PARCEL SERVICE

Mr. Richard R. Rose  
Plant Manager  
BP America Production Company  
Pascagoula Gas Processing Plant  
6800 Stennis Boulevard  
Moss Point, Mississippi 39562

Dear Mr. Rose:

The purpose of this letter is to request information as part of a U.S. Environmental Protection Agency investigation of the BP America Production Company facility located in Moss Point, Mississippi, to determine the compliance status with the requirements of the Clean Air Act (CAA). Section 114(a) of the CAA, 42 U.S.C. § 7414(a), authorizes the Administrator of the EPA to require any person who owns or operates an emission source, whom the Administrator believes may have information necessary for the purposes of Section 114(a), or who is subject to any requirement of the CAA, to provide such information as the Administrator may reasonably require for the purpose of carrying out any provision of the CAA. This authority has been duly delegated to the Director of the Air, Pesticides, and Toxics Management Division, Region 4.

Therefore, pursuant to Section 114(a) of the CAA, 42 U.S.C. Section 7414(a), as amended, you are hereby required to respond to the Information Request enclosed herein as Enclosure B. The response to the information requested must be accompanied by the enclosed Statement of Certification (Enclosure C), which is to be signed by a responsible official of BP America Production Company. Submit your response within **thirty (30)** days of receipt of this letter to the following:

Air Enforcement and Toxics Branch  
U.S. Environmental Protection Agency  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303  
Attn: Todd Groendyke

Failure to provide the information required may result in the issuance of an Order requiring compliance with the requirements contained herein, or the initiation of a civil action pursuant to Section 113 of the CAA, 42 U.S.C. § 7413. This may include civil and/or administrative penalties of up to \$37,500 per day of noncompliance, pursuant to Sections 113(b) and (d) of the CAA, 42 U.S.C. § 7413(b) and (d).

Under 40 C.F.R. Part 2, Subpart B, you may assert a business confidentiality claim covering part or all of the information you submit, other than emissions data and information or data that is otherwise publicly available, as described in 40 CFR §§ 2.203(b); 2.301(a) and 2.301(e). The page, paragraph, and sentence must be identified for any information subject to a claim of business confidentiality. Requirements for asserting a claim of business confidentiality are described in Section A of Enclosure



A. If no business confidentiality claim accompanies the information when it is received by the EPA, the EPA may make the information available to the public without further notice. If a business confidentiality claim accompanies the information when it is received by the EPA, Section B of Enclosure A describes the confidential business information substantiation requirements you will be asked to comply with in the event that the EPA receives a Freedom of Information Act request or otherwise wants to determine whether such information is entitled confidential treatment.

See 40 C.F.R. § 2.204. In those instances, you will be given an opportunity to submit comments on your claim by responding to 11 questions in Section B of Enclosure A. See 40 C.F.R. § 2.204(e)(4). Your comments in response to these questions will be used by the EPA to determine whether the information has been shown to meet the requirements so as to be entitled to confidential treatment. Failure to submit your comments by the deadline in the letter will be regarded as a waiver of your confidentiality claim, and the EPA may release the information.

This Information Request is not subject to the approval requirement of the Paperwork Reduction Act of 1980, 44 U.S.C. §3501 et seq.

If you have questions regarding this Information Request, please contact Mr. Todd Groendyke at (404) 562-8262.

Sincerely,



Beverly H. Banister Jr.  
Director

Air, Pesticides and Toxics Management Division

Enclosures

cc: Chris Sanders, Chief  
Mississippi Department of Environmental Quality (MDEQ)  
Office of Pollution Control  
Compliance and Enforcement Division





## ENCLOSURE A

### Confidential Business Information (CBI) Assertion and Substantiation Requirements

#### A. Assertion Requirements

You may assert a business confidentiality claim covering part or all of the information you submit, other than emissions data and information or data that is otherwise publicly available, as described in 40 CFR 2.203(b). If no business confidentiality claim accompanies the information when it is received by EPA, EPA may make the information available to the public without further notice. To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document over which you make a claim of confidentiality should be marked by placing on or attaching to the information, at the time it is submitted to EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret" or "proprietary" or "business confidential" and a date if any when the information should no longer be treated as confidential. **You must be specific by page, paragraph, and sentence when identifying the information subject to your claim.** Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. Information covered by such a claim will be disclosed by the EPA only to the extent permitted and by means of the procedures set forth by Section 114(c) of the Clean Air Act (the Act), and 40 C.F.R. Part 2, Subpart B. The EPA will construe the failure to furnish a confidentiality claim with your response to the attached letter as a waiver of that claim, and the information may be made available to the public without further notice to you.

Please segregate personnel, medical and similar files from your responses and include that information on separate sheet(s) marked as "Personal Privacy Information" given that disclosure of such information to the general public may constitute an invasion of privacy.

#### B. Substantiation Requirements

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. Part 2, Subpart B. You bear the burden of substantiating your confidentiality claim and must satisfactorily show that disclosure of the information would be likely to cause substantial harm to your business' competitive position; that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; and that the information is not and has not been reasonably obtainable by legitimate means without your consent, among other things. Conclusory allegations will be given little or no weight.

Before EPA makes a final determination regarding your claim of confidentiality, pursuant to 40 C.F.R. Part 2, Subpart B, EPA will send you a letter asking you to substantiate fully your CBI claim by answering 11 questions. Your comments in response to these questions will be used by the EPA to determine whether the information has been shown to meet the requirements so as to be entitled to confidential treatment. You must provide EPA with a response within the number of days set forth in the EPA request letter. Failure to submit your comments within that time will be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information.

EPA will ask you to specify which portions of the information you consider confidential. You must be specific by page, paragraph, and sentence when identifying the information subject to your claim. Please note that if a page, document, group or class of documents claimed by you to be confidential contains a significant amount of information which the EPA determines is not confidential, your confidentiality claim regarding that page, document, group or class of documents may be denied. Any



information not specifically identified as subject to a confidentiality claim may be disclosed without further notice to you. For each item or class of information that you identify as being confidential, EPA will ask you to answer the following questions, giving as much detail as possible, as conclusory allegations will be given little or no weight in EPA's determination:

- 1) For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
- 2) Information submitted to the EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question #1?
- 3) What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information be considered confidential?
- 4) Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? If so, specify which.
- 5) Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
- 6) Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
- 7) For each item or category of information claimed as confidential, explain with specificity why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
- 8) Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, please explain whether the information is the kind that would customarily not be released to the public.
- 9) Whether you assert the information as voluntary or involuntary, please address why disclosure of the information would tend to lessen the availability to the EPA of similar information in the future.
- 10) If you believe any information to be (a) trade secret (s), please so state and explain the reason for your belief. Please attach copies of those pages containing such information with brackets around the text that you claim to be (a) trade secret (s).
- 11) Explain any other issue you deem relevant (including, if pertinent, reasons why you believe that the information you claim to be CBI is not emission data or effluent data).

Please note that emission data provided under Section 114 of the Act, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2. "Emission data" means, with reference to any source of



emission of any substance into the air - (A) information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing; (B) information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including, to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and (C) a general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source). 40 C.F.R. §§ 2.301(a)(2)(i)(A), (B) and (C).

Information designated confidential will be disclosed by EPA only to the extent allowed by, and by means of the procedures set forth in, 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.



## **ENCLOSURE B**

### **Request to Provide Information**

For purposes of this information request, the definitions set forth in Section B shall apply and should be considered carefully by you in preparing your responses.

#### **A. INSTRUCTIONS:**

- 1) Please provide a separate narrative response to each question and subpart of a question set forth in this Information Request and precede each answer with the number of the question to which it corresponds.
- 2) If requested information or documents are not known or are not available to you at the time of your response to this Information Request, but later become known or available to you, you must supplement your response to the EPA. Moreover, should you find at any time after submission of your response that any portion is or becomes false, incomplete, or misrepresents the facts; you must provide the EPA with a corrected response as soon as possible.
- 3) Requested information can be submitted in electronic form if applicable.
- 4) Where specific information has not been memorialized in a document, but is nonetheless responsive to a Request, you must respond to the Request with a written response.
- 5) The information requested herein must be provided even though PSC may contend that it includes possible confidential information or trade secrets. You may, if you desire, assert a confidentiality claim covering part or all of the information requested, pursuant to Section 114(c) of the CAA, 42 U.S.C. § 7414(c), and 40 C.F.R. § 2.203(b), by attaching to such information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Information covered by such a claim will be disclosed by the EPA only to the extent, and only by means, of the procedures set forth in the statute and regulation identified above. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. You should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.
- 6) If information responsive to this Information Request is not in your possession, custody or control, then identify the person from whom such information may be obtained.
- 7) If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.

#### **B. DEFINITIONS:**

- 1) The term "you", "BP America Production Company" or "BP" shall include BP America Production Company, its parent corporation(s) and subsidiaries, the addressees of this Request, and the officers,





managers, employees, contractors, trustees, partners, successors, assigns, and agents of the above corporations.

- 2) "Facility" means the plant (including all physical structures) owned and/or operated by BP, located at 6800 Stennis Boulevard, Moss Point, Mississippi.
- 3) The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.

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- 4) The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.
- 5) The term "identify" means, with respect to a document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), the identity of the author, addressor, addressee(s) and/or recipient, and the substance or the subject matter.
- 6) The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 7) The term "document" shall include writings of any kind, formal or informal, whether or not wholly or partially in handwriting (including by way of illustration and not by way of limitation), any invoice, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, inter-office or intra-office communications, photostat or other copy of any documents, microfilm or other film record, photograph, sound recording on any type of device, punch card, disc or disc pack, tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use punch card, disc, disc pack, tape or the type of memory); including (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure, notation, annotation, or the like on it, drafts, (d) attachments to or enclosures with any document, and (e) every document referred to in any other document.
- 8) The term "Flare" is defined as the High Flow Flare (N-5011) and Low Flow Flare (N-5020) located at the BP America Production Company facility in Moss Point, Mississippi.
- 9) The term "Pilot Gas" means gas injected at a flare tip to maintain a flame.
- 10) The term "Purge Gas" or "Sweep Gas" means all gas introduced prior to the Flare tip to protect against oxygen buildup in the Flare header and/or to maintain a constant flow of gas through the flare and out the tip.
- 11) The term "Supplemental Gas" means all gas introduced to raise the heating value of Waste Gas.



- 12) The term "Vent Gas" means all gases found just prior to the flare tip. This gas includes all Waste Gas, Purge Gas, Supplemental Gas, nitrogen and hydrogen, but does not include Pilot Gas or steam.
  - 13) The term "Waste Gas" means all gases routed to a flare for combustion, excluding Purge Gas, Supplemental Gas, Pilot Gas, and steam.
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## **INFORMATION REQUEST**

You are hereby required, in accordance with Section 114(a) of the Act, 42 U.S.C. § 7414(a), to provide the following information for BP America Production Company in Moss Point, Mississippi.

- 1) For each Flare, for each hour of each day from January 1, 2010, through January 1, 2015, provide the measured, calculated or estimated vent gas (i.e., the mixture of waste gas, sweep gas, purge gas, and/or supplemental gas) mass and volumetric flow rates in pounds per hour and wet standard cubic feet per minute that was routed to each Flare. If vent gas flow is not measured directly, use the best method(s) available to estimate or calculate the requested information on an hourly basis, which would include but not be limited to, the use of pressure measurements. Provide a narrative explanation and example calculations describing how you arrived at your response. If vent gas flow was not measured or cannot be calculated or estimated, (e.g., lack of equipment or equipment malfunction and/or maintenance at a Flare) provide an explanation of why no data is available explaining why the flow cannot be calculated or estimated.
- 2) For each Flare, for each hour required in response to Question 1, provide the hourly average concentration of each constituent in the vent gas vented to each Flare, with their respective molecular weights and British thermal units per standard cubic foot (Btu/scf) values. If the constituents in the vent gas were not measured directly, use the best method(s) available to estimate or calculate the requested information on an hourly basis. Such methods of estimation/calculation would include, but would not be limited to, the use of calculations from an online, intermittent, or continuous gas chromatograph (whether at the Flare or upstream of the Flare), one-time or periodic samples/analysis of gas constituents flowing to the Flare (whether at the Flare or upstream of the Flare), and/or process knowledge. Provide a narrative explanation and example calculations describing how you arrived at your response.
- 3) Provide a copy of the results of every measurement of the concentration of constituents of vent gas sent to any Flare that was undertaken from January 1, 2010, through January 1, 2015.
- 4) For each Flare, for each hour required in response to Question 1, provide the hourly average heating value, in Btu/scf, of the vent gas vented to each Flare. If the heating value was not measured/calculated, use the best means available to estimate/calculate the requested information on an hourly basis. Such methods of estimation/calculation would include, but would not be limited to, the use of calculations from an online, intermittent, or continuous gas chromatograph (whether at the Flare or upstream of the Flare), one-time or periodic samples/analysis of the vent gas flowing to the Flare (whether at the Flare or upstream of the Flare), and/or process knowledge. Provide a narrative explanation and example calculations describing how you arrived at your response.
- 5) For each Flare, for each hour required in response to Question 1, provide the hourly average rate at which steam and/or assist air was being added to each Flare, in pounds per hour for steam and/or scf/hour for assist air, at all locations on the Flare (i.e., the sum of seal, upper, lower, winterizing, etc.) during each venting period. If the steam and/or assist air flow was not measured, use the best means available to estimate it on an hourly basis. Such methods of estimation/calculation would include, but would not be limited to, estimating flow from pressure measurements or estimating steam flow from valve position data. Provide a narrative explanation and example calculations, if appropriate, describing how you arrived at your response.
- 6) For each Flare, for each hour required in response to Question 1, provide the hourly average steam-



to-vent-gas or assist air-to-vent-gas ratio (pound of steam/pound of vent gas or scf of assist air/pound of vent gas) for each Flare. Provide a narrative explanation and example calculations, if appropriate, describing how you arrived at your response.

- 7) For each Flare, provide the minimum steam or assist air addition rate, in pound/hour for steam and/or scf/hour for assist air, at all locations on the Flare (i.e., the sum of seal, upper, lower, winterizing, etc.). To the extent that the minimum steam or assist air addition rate changes on a seasonal basis, state the minimum rate for each season and the time periods during which each season's minimum rate applies.

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- 8) Provide copies of any and all documents in your possession, custody, or control that prescribe or recommend the amount of steam or assist air to be added to each Flare. Identify in your narrative response the location in each document(s) that refers to the maximum steam or assist air rate; the minimum steam or assist air rate; the steam or assist air addition rate associated with particular venting scenarios; any general steam-to-vent-gas ratios, steam-to-specific-organic-gas ratios, assist-air-to-vent-gas ratios, or assist-air-to specific-organic-gas ratios; or any other reference to steam or assist air addition.
- 9) For each Flare, state the date of installation, the manufacturer, and the model number.
- 10) For each Flare, provide copies of all manuals and/or operating instructions that were provided by the Flare manufacturer or vendor at any time. If no such documents are in your possession, state whether you never received any such documents or whether the documents were lost or discarded.
- 11) Describe in detail any research or studies conducted or reviewed by Facility personnel or at the direction of Facility personnel regarding the operation of Flares, including, but not limited to research or studies into steam and/or assist air addition to Flares.
- 12) Provide copies of any and all documents in your possession, custody, or control acquired or generated as the result of the research or studies that are the subject of Question 11.
- 13) In addition to the Documents sought in Question 10, describe in detail how each Flare operator is instructed on the level of steam, assist air and/or supplemental gas to be added to the Flares. Include the specifics of such instructions.





## **ENCLOSURE C**

This is to be signed and dated by a duly authorized official of BP America Production Company.

### **STATEMENT OF CERTIFICATION**

I hereby certify that the foregoing responses and information provided to the EPA in response to its Clean Air Act, Section 114, Information Request were prepared under my direction or supervision and that I have personal knowledge of all matters set forth in the responses and the accompanying information or that I consulted with individuals having personal knowledge (note, please identify such individuals). I certify that the responses are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

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Signature and Date

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Printed Name and Title





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

FEB 26 2015

UNITED PARCEL SERVICE

Paul Cahill  
Executive Vice President & Secretary  
Sofix Corporation  
2800 Riverport Road  
Chattanooga, Tennessee 37406

Dear Mr. Cahill:

The purpose of this letter is to request information as part of a U.S. Environmental Protection Agency investigation to determine the compliance status of the Sofix Corporation (Sofix) plant located in Chattanooga, Tennessee, with the Clean Air Act (CAA), 42 U.S.C. § 7401, *et seq.*, specifically with the wastewater requirements of 40 C.F.R. Part 63, Subpart FFFF [National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing] for wastewater streams. Section 114(a) of the CAA, 42 U.S.C. § 7414(a), authorizes the Administrator of EPA to require any person who owns or operates an emission source, whom the Administrator believes may have information necessary for the purposes of Section 114(a), or who is subject to any requirement of the CAA, to provide such information as the Administrator may reasonably require for the purpose of carrying out any provision of the CAA. This authority has been duly delegated to the Director of the Air, Pesticides, and Toxics Management Division Region 4.

Therefore, pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a), as amended, you are hereby required to respond to the Information Request enclosed herein as Enclosure B. The response to the information requested must be accompanied by the enclosed Statement of Certification (Enclosure C), which is to be signed by a responsible official of Sofix. Submit your response within **thirty (30)** days of receipt of this letter to the following:

Air Enforcement & Toxics Branch  
U.S. Environmental Protection Agency  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303  
Attn: Sydnee Adams

Failure to provide the information required may result in the issuance of an Order requiring compliance with the requirements contained herein, or the initiation of a civil action pursuant to Section 113 of the CAA, 42 U.S.C. § 7413. This may include civil and/or administrative penalties of up to \$37,500 per day of noncompliance, pursuant to Sections 113(b) and (d) of the CAA, 42 U.S.C. § 7413(b) and (d).

Under 40 C.F.R. Part 2, Subpart B, you may assert a business confidentiality claim covering part or all of the information you submit, other than emissions data and information or data that is otherwise publicly available, as described in 40 CFR §§ 2.203(b); 2.301(a) and 2.301(e). The page, paragraph, and sentence must be identified for any information subject to a claim of business confidentiality.



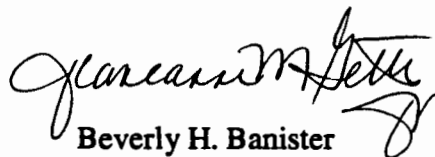
Requirements for asserting a claim of business confidentiality are described in Section A of Enclosure A. If no business confidentiality claim accompanies the information when it is received by the EPA, the EPA may make the information available to the public without further notice.

If a business confidentiality claim accompanies the information when it is received by the EPA, Section B of Enclosure A describes the confidential business information substantiation requirements you will be asked to comply with in the event that the EPA receives a Freedom of Information Act request or otherwise wants to determine whether such information is entitled confidential treatment. See 40 C.F.R. § 2.204. In those instances, you will be given an opportunity to submit comments on your claim by responding to 11 questions in Section B of Enclosure A. See 40 C.F.R. § 2.204(e)(4). Your comments in response to these questions will be used by the EPA to determine whether the information has been shown to meet the requirements so as to be entitled to confidential treatment. Failure to submit your comments by the deadline in the letter will be regarded as a waiver of your confidentiality claim, and the EPA may release the information.

This Information Request is not subject to the approval requirement of the Paperwork Reduction Act of 1980, 44 U.S.C. §3501 et seq.

If you have questions regarding this Information Request, please contact Ms. Sydnee Adams at (404) 562-9196.

Sincerely,



Beverly H. Banister  
Director

Air, Pesticides and Toxics Management Division

Enclosures

cc: J. Alan Frazier (w/enclosures)  
Engineering Manager  
Chattanooga – Hamilton County Air Pollution Control Bureau



## ENCLOSURE A

### **Confidential Business Information (CBI) Assertion and Substantiation Requirements**

#### **A. Assertion Requirements**

You may assert a business confidentiality claim covering part or all of the information you submit, other than emissions data and information or data that is otherwise publicly available, as described in 40 CFR 2.203(b). If no business confidentiality claim accompanies the information when it is received by EPA, ~~EPA may make the information available to the public without further notice. To make a confidentiality~~ claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document over which you make a claim of confidentiality should be marked by placing on or attaching to the information, at the time it is submitted to EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret" or "proprietary" or "business confidential" and a date if any when the information should no longer be treated as confidential. **You must be specific by page, paragraph, and sentence when identifying the information subject to your claim.** Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. Information covered by such a claim will be disclosed by the EPA only to the extent permitted and by means of the procedures set forth by Section 114(c) of the Clean Air Act (the Act), and 40 C.F.R. Part 2, Subpart B. The EPA will construe the failure to furnish a confidentiality claim with your response to the attached letter as a waiver of that claim, and the information may be made available to the public without further notice to you.

Please segregate personnel, medical and similar files from your responses and include that information on separate sheet(s) marked as "Personal Privacy Information" given that disclosure of such information to the general public may constitute an invasion of privacy.

#### **B. Substantiation Requirements**

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. Part 2, Subpart B. You bear the burden of substantiating your confidentiality claim and must satisfactorily show that disclosure of the information would be likely to cause substantial harm to your business' competitive position; that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; and that the information is not and has not been reasonably obtainable by legitimate means without your consent, among other things. Conclusory allegations will be given little or no weight.

Before EPA makes a final determination regarding your claim of confidentiality, pursuant to 40 C.F.R. Part 2, Subpart B, EPA will send you a letter asking you to substantiate fully your CBI claim by answering 11 questions. Your comments in response to these questions will be used by the EPA to determine whether the information has been shown to meet the requirements so as to be entitled to confidential treatment. You must provide EPA with a response within the number of days set forth in the EPA request letter. Failure to submit your comments within that time will be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information.

EPA will ask you to specify which portions of the information you consider confidential. You must be specific by page, paragraph, and sentence when identifying the information subject to your claim. Please note that if a page, document, group or class of documents claimed by you to be confidential contains a significant amount of information which the EPA determines is not confidential, your confidentiality claim regarding that page, document, group or class of documents may be denied. Any





information not specifically identified as subject to a confidentiality claim may be disclosed without further notice to you. For each item or class of information that you identify as being confidential, EPA will ask you to answer the following questions, giving as much detail as possible, as conclusory allegations will be given little or no weight in EPA's determination:

- 1) For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.

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- 2) Information submitted to the EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question #1?
- 3) What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information be considered confidential?
- 4) Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? If so, specify which.
- 5) Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
- 6) Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
- 7) For each item or category of information claimed as confidential, explain with specificity why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
- 8) Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, please explain whether the information is the kind that would customarily not be released to the public.
- 9) Whether you assert the information as voluntary or involuntary, please address why disclosure of the information would tend to lessen the availability to the EPA of similar information in the future.
- 10) If you believe any information to be (a) trade secret (s), please so state and explain the reason for your belief. Please attach copies of those pages containing such information with brackets around the text that you claim to be (a) trade secret (s).
- 11) Explain any other issue you deem relevant (including, if pertinent, reasons why you believe that the information you claim to be CBI is not emission data or effluent data).

Please note that emission data provided under Section 114 of the Act, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2. "Emission data" means, with reference to any source of



emission of any substance into the air - (A) information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing; (B) information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including, to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and (C) a general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source). 40 C.F.R. §§ 2.301(a)(2)(i)(A), (B) and (C).

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Information designated confidential will be disclosed by EPA only to the extent allowed by, and by means of the procedures set forth in, 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.



## **ENCLOSURE B**

### **Request to Provide Information**

For purposes of this information request, the definitions set forth in Section B shall apply and should be considered carefully by you in preparing your responses.

#### **A. INSTRUCTIONS:**

- 1) Please provide a separate narrative response to each question and subpart of a question set forth in this Information Request and precede each answer with the number of the question to which it corresponds.
- 2) If requested information or documents are not known or are not available to you at the time of your response to this Information Request, but later become known or available to you, you must supplement your response to the EPA. Moreover, should you find at any time after submission of your response that any portion is or becomes false, incomplete, or misrepresents the facts; you must provide the EPA with a corrected response as soon as possible.
- 3) Requested information can be submitted in electronic form if applicable.
- 4) Where specific information has not been memorialized in a document, but is nonetheless responsive to a Request, you must respond to the Request with a written response.
- 5) The information requested herein must be provided even though Sofix may contend that it includes possible confidential information or trade secrets. You may, if you desire, assert a confidentiality claim covering part or all of the information requested, pursuant to Section 114(c) of the CAA, 42 U.S.C. § 7414(c), and 40 C.F.R. § 2.203(b), by attaching to such information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," or "proprietary," or "company confidential." Information covered by such a claim will be disclosed by the EPA only to the extent, and only by means, of the procedures set forth in the statute and regulation identified above. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. You should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.
- 6) If information responsive to this Information Request is not in your possession, custody or control, then identify the person from whom such information may be obtained.
- 7) If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.



## **B. DEFINITIONS:**

- 1) The term "you", "Sofix Corporation" or "Sofix" shall include Sofix Corporation, its parent corporation(s) and subsidiaries, the addressees of this Request, and the officers, managers, employees, contractors, trustees, partners, successors, assigns, and agents of the above corporations.
- 2) "Facility" means the plant (including all physical structures) owned and/or operated by Sofix, located at 2800 Riverport Road, Chattanooga, Tennessee.
- 3) The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
- 4) The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.
- 5) The term "identify" means, with respect to a document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), the identity of the author, addressor, addressee(s) and/or recipient, and the substance or the subject matter.
- 6) The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 7) The term "document" shall include writings of any kind, formal or informal, whether or not wholly or partially in handwriting (including by way of illustration and not by way of limitation), any invoice, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, inter-office or intra-office communications, photostat or other copy of any documents, microfilm or other film record, photograph, sound recording on any type of device, punch card, disc or disc pack, tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use punch card, disc, disc pack, tape or the type of memory); including (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure, notation, annotation, or the like on it, drafts, (d) attachments to or enclosures with any document, and (e) every document referred to in any other document.
- 8) The term "closed-vent system" is defined in 40 CFR § 63.161.
- 9) The term "closed-loop system" is defined in 40 CFR § 63.161.
- 10) The term "Group 1 wastewater stream" is defined in 40 CFR § 63.2550.
- 11) The term "Group 2 wastewater stream" is defined in 40 CFR § 63.2550.





- 12) The term "miscellaneous organic chemical manufacturing process unit (MCPU)" is defined in 40 CFR § 63.2550.
  - 13) The term "point of determination" is defined in 40 CFR § 63.2550.
  - 14) The term "wastewater" is defined in 40 CFR § 63.2550.
  - 15) The term "wastewater stream" is defined in 40 CFR § 63.2550.
  - 16) The term "vent stream" is defined in 40 CFR § 63.111.
- 
- 17) All terms not defined herein shall have their ordinary meaning, unless such terms are defined in the Clean Air Act, in which case the statutory definitions shall apply.



## **INFORMATION REQUEST**

You are hereby required, in accordance with Section 114(a) of the Act, 42 U.S.C. § 7414(a), to provide the following information for Sofix in Chattanooga, Tennessee.

- 1) For all of the facility operations, identify with specificity each and every process at the Sofix facility. Each process should be clearly identified by the name of the process and/or a unique identification number.
- 2) For each process, provide a process flow diagram and a piping and instrumentation diagram (P&ID) which shows each wastewater stream, liquid stream, and vent stream for each piece of equipment, and this should include, but not be limited to, knock-out pots, liquid ring vacuum pumps, etc. The diagram should illustrate the origin and complete path of each and every wastewater stream, liquid stream, and vent stream with regard to each piece of equipment. Each stream should be clearly identified by the name of the stream and/or a unique identification number of the stream.
- 3) For each process identified, provide a complete list of the specific hazardous air pollutants addressed by Section 112 of the Clean Air Act that are associated with each process.
- 4) For each and every process at Sofix, identify with specificity which processes are subject to the provisions of 40 CFR Part 63 Subpart FFFF as well as those which are not subject. For those processes which are not subject to the provisions of 40 CFR Part 63 Subpart FFFF, provide the documentation which clearly demonstrates why those processes are not subject.
- 5) For all of the facility operations, identify with specificity each and every miscellaneous organic chemical processing unit (MCPU) at the Sofix facility and identify the process with which it is associated. Each MCPU should be clearly identified by the name of the MCPU and/or a unique identification number.
- 6) Provide a complete list of the specific hazardous air pollutants addressed by Section 112 of the Clean Air Act that are associated with each MCPU and each stream.
- 7) For each and every MCPU at Sofix, identify with specificity which MCPU's are subject to the provisions of 40 CFR Part 63 Subpart FFFF as well as those which are not subject. Also, identify each piece of equipment that is part of each MCPU. For the MCPU's which are not subject to the provisions of 40 CFR Part 63 Subpart FFFF, provide the documentation which clearly demonstrates why those MCPU's are not subject.
- 8) For each MCPU at the Sofix facility which is subject to the provisions of 40 CFR Part 63 Subpart FFFF, provide a detailed process flow diagram. The diagram must identify with specificity each and every piece of equipment in the MCPU, and each and every inlet and outlet stream associated with each piece of equipment. The diagram should also differentiate between liquid streams and vent streams, and must identify each and every wastewater stream, and liquid stream in open systems. Each stream should be clearly identified by the name of the stream and/or a unique identification number of the stream by MCPU. Include with this response, the date of construction and commencement date of each MCPU and its associated ancillary equipment.
- 9) For each wastewater stream and liquid stream identified in item 8 above, clearly specify which streams are subject to the provisions of 40 CFR § 63.2485(a) through (o) and the requirements of



Table 7 of Subpart FFFF as well as those which are not subject. For those wastewater streams and liquid streams which are not subject to the provisions of 40 CFR § 63.2485(a) through (o) and the requirements of Table 7 of Subpart FFFF, provide the documentation which clearly demonstrates why those streams are not subject.

- 10) For each wastewater stream and liquid stream identified in item 9 above, provide complete documentation, including applicable dates (e.g. initial compliance date, date that Sofix became subject to this rule), diagrams, calculations, and compliance demonstration verification data as well as sampling and analytical results and testing methodologies, which clearly demonstrates the compliance or non-compliance of each stream and how it was determined with regard to the provisions of 40 CFR § 63.2485(a) through (o) and the requirements of Table 7 of Subpart FFFF and the provisions of 40 CFR Part 63 Subparts F and G as applicable. In other words, clearly specify by regulatory citation from 40 CFR § 63.2485(a) through (o) and Table 7 of Subpart FFFF and from 40 CFR Part 63 Subparts F and G each provision of these regulations for which each stream is demonstrating compliance. For those situations where the applicable regulations offer compliance options and/or control options, identify which compliance and/or control option was selected for each Group 1 stream and which standard(s) is being met and match that information to the above requested compliance demonstration verification data. As a part of this documentation, clearly identify which streams are classified as Group 1 and which streams are classified as Group 2.
- 11) For each wastewater stream and liquid stream identified in item 10 above, please provide the documentation which Sofix has historically relied upon and currently relies upon to verify and justify why and how the streams are classified as either Group 1 or Group 2. This information should include when these classifications were made. With regard to any streams which have previously been classified as Group 2 streams, please identify all process changes that were made which would have called for a re-determination of group status as described in 40 CFR § 63.132(c)(3) and 63.132(d)(3). Such process changes would include, but not be limited to, changes in production capacity, production rate, feedstock type, or whenever there is a replacement, removal, or addition of recovery or control equipment. Also, provide the re-determination documentation. In addition, please identify all process changes that were made which would not have called for a re-determination of group status.
- 12) For each Group 2 wastewater stream and liquid stream identified in item 10 above or any other wastewater stream or liquid stream that may be excluded from Subpart FFFF, please provide any sampling and analytical data that has been collected by Sofix in the last five years, as available.
- 13) For each wastewater stream and liquid stream identified in item 8 above and not also identified in item 9 above, clearly specify and provide the reasons and documentation supporting why those streams are not subject to any of the provisions of 40 Part CFR 63.2485.
- 14) For each and every wastewater stream and liquid stream identified in item 9 above, provide a detailed discussion of how the company is treating each and every wastewater stream and liquid stream.
- 15) For each wastewater treatment system, provide a detailed discussion of how the wastewater treatment system operates. This should include a treatment system diagram, a list of all inlet streams to the treatment system, a list of outlet streams from the treatment system, a description on how the company monitors the treatment system to ensure it is operating properly, a complete copy of the treatment system test plan, and a complete copy, including attachments, of the initial compliance demonstration report.



- 16) As defined and regulated in 40 CFR Part 63 Subpart G, provide a complete list, by name and/or unique identification number, of the wastewater tanks, surface impoundments, containers, individual drain systems, and oil-water separators contained within each process. Also, clearly show where it appears within each MCPU on the P&ID requested in item 2 above.
  - 17) For each process and for each MCPU, provide the date that each one began operation.
  - 18) Provide a copy of the Notice of Compliance Status Report that has been prepared and submitted by Sofix pursuant to 40 CFR § 63.2520(d).
-





## **ENCLOSURE C**

This is to be signed and dated by a duly authorized official of Sofix Corporation.

### **STATEMENT OF CERTIFICATION**

I hereby certify that the foregoing responses and information provided to the EPA in response to its Clean Air Act, Section 114, Information Request were prepared under my direction or supervision and that I have personal knowledge of all matters set forth in the responses and the accompanying information or that I consulted with individuals having personal knowledge (note, please identify such individuals). I certify that the responses are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

---

**Signature and Date**

---

**Printed Name and Title**





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

FEB 26 2015

**UNITED PARCEL SERVICE**

Deborah S. McKitten  
Plant Manager  
DuPont Chemicals & Fluoroproducts  
~~2571 Fite Road~~  
Memphis, Tennessee 38127

Dear Ms. McKitten:

The purpose of this letter is to request information as part of a U.S. Environmental Protection Agency investigation to determine the compliance status of the DuPont Chemicals & Fluoroproducts (DuPont) plant located in Memphis, Tennessee, with the Clean Air Act (CAA), 42 U.S.C. § 7401, *et seq.*, specifically with the wastewater requirements of 40 C.F.R. Part 63, Subpart FFFF [National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing] for wastewater streams. Section 114(a) of the CAA, 42 U.S.C. § 7414(a), authorizes the Administrator of EPA to require any person who owns or operates an emission source, whom the Administrator believes may have information necessary for the purposes of Section 114(a), or who is subject to any requirement of the CAA, to provide such information as the Administrator may reasonably require for the purpose of carrying out any provision of the CAA. This authority has been duly delegated to the Director of the Air, Pesticides, and Toxics Management Division Region 4.

Therefore, pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a), as amended, you are hereby required to respond to the Information Request enclosed herein as Enclosure B. The response to the information requested must be accompanied by the enclosed Statement of Certification (Enclosure C), which is to be signed by a responsible official of DuPont. Submit your response within thirty (30) days of receipt of this letter to the following:

Air Enforcement & Toxics Branch  
U.S. Environmental Protection Agency  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303  
Attn: Sydnee Adams

Failure to provide the information required may result in the issuance of an Order requiring compliance with the requirements contained herein, or the initiation of a civil action pursuant to Section 113 of the CAA, 42 U.S.C. § 7413. This may include civil and/or administrative penalties of up to \$37,500 per day of noncompliance, pursuant to Sections 113(b) and (d) of the CAA, 42 U.S.C. § 7413(b) and (d).

Under 40 C.F.R. Part 2, Subpart B, you may assert a business confidentiality claim covering part or all of the information you submit, other than emissions data and information or data that is otherwise publicly available, as described in 40 CFR §§ 2.203(b); 2.301(a) and 2.301(e). The page, paragraph, and sentence must be identified for any information subject to a claim of business confidentiality.



Requirements for asserting a claim of business confidentiality are described in Section A of Enclosure A. If no business confidentiality claim accompanies the information when it is received by the EPA, the EPA may make the information available to the public without further notice.

If a business confidentiality claim accompanies the information when it is received by the EPA, Section B of Enclosure A describes the confidential business information substantiation requirements you will be asked to comply with in the event that the EPA receives a Freedom of Information Act request or otherwise wants to determine whether such information is entitled confidential treatment. See 40 C.F.R. § 2.204. In those instances, you will be given an opportunity to submit comments on your claim by responding to 11 questions in Section B of Enclosure A. See 40 C.F.R. § 2.204(e)(4). Your comments in response to these questions will be used by the EPA to determine whether the information has been shown to meet the requirements so as to be entitled to confidential treatment. Failure to submit your comments by the deadline in the letter will be regarded as a waiver of your confidentiality claim, and the EPA may release the information.

This Information Request is not subject to the approval requirement of the Paperwork Reduction Act of 1980, 44 U.S.C. §3501 et seq.

If you have questions regarding this Information Request, please contact Ms. Sydnee Adams at (404) 562-9196.

Sincerely,



Beverly H. Banister  
Director  
Air, Pesticides and Toxics Management Division

Enclosures

cc: Robert Rogers (w/enclosures)  
Technical Manager  
Shelby County Pollution Control



## ENCLOSURE A

### Confidential Business Information (CBI) Assertion and Substantiation Requirements

#### A. Assertion Requirements

You may assert a business confidentiality claim covering part or all of the information you submit, other than emissions data and information or data that is otherwise publicly available, as described in 40 CFR 2.203(b). If no business confidentiality claim accompanies the information when it is received by EPA, EPA may make the information available to the public without further notice. To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document over which you make a claim of confidentiality should be marked by placing on or attaching to the information, at the time it is submitted to EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret" or "proprietary" or "business confidential" and a date if any when the information should no longer be treated as confidential. **You must be specific by page, paragraph, and sentence when identifying the information subject to your claim.** Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. Information covered by such a claim will be disclosed by the EPA only to the extent permitted and by means of the procedures set forth by Section 114(c) of the Clean Air Act (the Act), and 40 C.F.R. Part 2, Subpart B. The EPA will construe the failure to furnish a confidentiality claim with your response to the attached letter as a waiver of that claim, and the information may be made available to the public without further notice to you.

Please segregate personnel, medical and similar files from your responses and include that information on separate sheet(s) marked as "Personal Privacy Information" given that disclosure of such information to the general public may constitute an invasion of privacy.

#### B. Substantiation Requirements

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. Part 2, Subpart B. You bear the burden of substantiating your confidentiality claim and must satisfactorily show that disclosure of the information would be likely to cause substantial harm to your business' competitive position; that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; and that the information is not and has not been reasonably obtainable by legitimate means without your consent, among other things. Conclusory allegations will be given little or no weight.

Before EPA makes a final determination regarding your claim of confidentiality, pursuant to 40 C.F.R. Part 2, Subpart B, EPA will send you a letter asking you to substantiate fully your CBI claim by answering 11 questions. Your comments in response to these questions will be used by the EPA to determine whether the information has been shown to meet the requirements so as to be entitled to confidential treatment. You must provide EPA with a response within the number of days set forth in the EPA request letter. Failure to submit your comments within that time will be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information.

EPA will ask you to specify which portions of the information you consider confidential. You must be specific by page, paragraph, and sentence when identifying the information subject to your claim. Please note that if a page, document, group or class of documents claimed by you to be confidential contains a significant amount of information which the EPA determines is not confidential, your confidentiality claim regarding that page, document, group or class of documents may be denied. Any





information not specifically identified as subject to a confidentiality claim may be disclosed without further notice to you. For each item or class of information that you identify as being confidential, EPA will ask you to answer the following questions, giving as much detail as possible, as conclusory allegations will be given little or no weight in EPA's determination:

- 1) For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
- 2) Information submitted to the EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question #1?
- 3) What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information be considered confidential?
- 4) Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? If so, specify which.
- 5) Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
- 6) Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
- 7) For each item or category of information claimed as confidential, explain with specificity why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
- 8) Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, please explain whether the information is the kind that would customarily not be released to the public.
- 9) Whether you assert the information as voluntary or involuntary, please address why disclosure of the information would tend to lessen the availability to the EPA of similar information in the future.
- 10) If you believe any information to be (a) trade secret (s), please so state and explain the reason for your belief. Please attach copies of those pages containing such information with brackets around the text that you claim to be (a) trade secret (s).
- 11) Explain any other issue you deem relevant (including, if pertinent, reasons why you believe that the information you claim to be CBI is not emission data or effluent data).

Please note that emission data provided under Section 114 of the Act, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2. "Emission data" means, with reference to any source of



emission of any substance into the air - (A) information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing; (B) information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including, to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and (C) a general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source). 40 C.F.R.

§§ 2.301(a)(2)(i)(A), (B) and (C).

Information designated confidential will be disclosed by EPA only to the extent allowed by, and by means of the procedures set forth in, 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.



## **ENCLOSURE B**

### **Request to Provide Information**

For purposes of this information request, the definitions set forth in Section B shall apply and should be considered carefully by you in preparing your responses.

#### **A. INSTRUCTIONS:**

- 1) Please provide a separate narrative response to each question and subpart of a question set forth in this Information Request and precede each answer with the number of the question to which it corresponds.
- 2) If requested information or documents are not known or are not available to you at the time of your response to this Information Request, but later become known or available to you, you must supplement your response to the EPA. Moreover, should you find at any time after submission of your response that any portion is or becomes false, incomplete, or misrepresents the facts; you must provide the EPA with a corrected response as soon as possible.
- 3) Requested information can be submitted in electronic form if applicable.
- 4) Where specific information has not been memorialized in a document, but is nonetheless responsive to a Request, you must respond to the Request with a written response.
- 5) The information requested herein must be provided even though DuPont may contend that it includes possible confidential information or trade secrets. You may, if you desire, assert a confidentiality claim covering part or all of the information requested, pursuant to Section 114(c) of the CAA, 42 U.S.C. § 7414(c), and 40 C.F.R. § 2.203(b), by attaching to such information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," or "proprietary," or "company confidential." Information covered by such a claim will be disclosed by the EPA only to the extent, and only by means, of the procedures set forth in the statute and regulation identified above. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. You should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.
- 6) If information responsive to this Information Request is not in your possession, custody or control, then identify the person from whom such information may be obtained.
- 7) If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.



## **B. DEFINITIONS:**

- 1) The term "you", "DuPont Chemicals & Fluoroproducts" or "DuPont" shall include DuPont Chemicals & Fluoroproducts, its parent corporation(s) and subsidiaries, the addressees of this Request, and the officers, managers, employees, contractors, trustees, partners, successors, assigns, and agents of the above corporations.
- 2) "Facility" means the plant (including all physical structures) owned and/or operated by DuPont, located at 2571 Fite Road, Memphis, Tennessee.
- 3) The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
- 4) The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.
- 5) The term "identify" means, with respect to a document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), the identity of the author, addressor, addressee(s) and/or recipient, and the substance or the subject matter.
- 6) The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 7) The term "document" shall include writings of any kind, formal or informal, whether or not wholly or partially in handwriting (including by way of illustration and not by way of limitation), any invoice, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, inter-office or intra-office communications, photostat or other copy of any documents, microfilm or other film record, photograph, sound recording on any type of device, punch card, disc or disc pack, tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use punch card, disc, disc pack, tape or the type of memory); including (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure, notation, annotation, or the like on it, drafts, (d) attachments to or enclosures with any document, and (e) every document referred to in any other document.
- 8) The term "closed-vent system" is defined in 40 CFR § 63.161.
- 9) The term "closed-loop system" is defined in 40 CFR § 63.161.
- 10) The term "Group 1 wastewater stream" is defined in 40 CFR § 63.2550.
- 11) The term "Group 2 wastewater stream" is defined in 40 CFR § 63.2550.





- 12) The term "miscellaneous organic chemical manufacturing process unit (MCPU)" is defined in 40 CFR § 63.2550.
- 13) The term "point of determination" is defined in 40 CFR § 63.2550.
- 14) The term "wastewater" is defined in 40 CFR § 63.2550.
- 15) The term "wastewater stream" is defined in 40 CFR § 63.2550.
- 
- 16) The term "vent stream" is defined in 40 CFR § 63.111.
- 17) All terms not defined herein shall have their ordinary meaning, unless such terms are defined in the Clean Air Act, in which case the statutory definitions shall apply.



## **INFORMATION REQUEST**

You are hereby required, in accordance with Section 114(a) of the Act, 42 U.S.C. § 7414(a), to provide the following information for DuPont in Memphis, Tennessee.

- 1) For all of the facility operations, identify with specificity each and every process at the DuPont facility. Each process should be clearly identified by the name of the process and/or a unique identification number.
- ~~2) For each process, provide a process flow diagram and a piping and instrumentation diagram (P&ID)~~ which shows each wastewater stream, liquid stream, and vent stream for each piece of equipment, and this should include, but not be limited to, knock-out pots, liquid ring vacuum pumps, etc. The diagram should illustrate the origin and complete path of each and every wastewater stream, liquid stream, and vent stream with regard to each piece of equipment. Each stream should be clearly identified by the name of the stream and/or a unique identification number of the stream.
- 3) For each process identified, provide a complete list of the specific hazardous air pollutants addressed by Section 112 of the Clean Air Act that are associated with each process.
- 4) For each and every process at DuPont, identify with specificity which processes are subject to the provisions of 40 CFR Part 63 Subpart FFFF as well as those which are not subject. For those processes which are not subject to the provisions of 40 CFR Part 63 Subpart FFFF, provide the documentation which clearly demonstrates why those processes are not subject.
- 5) For all of the facility operations, identify with specificity each and every miscellaneous organic chemical processing unit (MCPU) at the DuPont facility and identify the process with which it is associated. Each MCPU should be clearly identified by the name of the MCPU and/or a unique identification number.
- 6) Provide a complete list of the specific hazardous air pollutants addressed by Section 112 of the Clean Air Act that are associated with each MCPU and each stream.
- 7) For each and every MCPU at DuPont, identify with specificity which MCPU's are subject to the provisions of 40 CFR Part 63 Subpart FFFF as well as those which are not subject. Also, identify each piece of equipment that is part of each MCPU. For the MCPU's which are not subject to the provisions of 40 CFR Part 63 Subpart FFFF, provide the documentation which clearly demonstrates why those MCPU's are not subject.
- 8) For each MCPU at the DuPont facility which is subject to the provisions of 40 CFR Part 63 Subpart FFFF, provide a detailed process flow diagram. The diagram must identify with specificity each and every piece of equipment in the MCPU, and each and every inlet and outlet stream associated with each piece of equipment. The diagram should also differentiate between liquid streams and vent streams, and must identify each and every wastewater stream, and liquid stream in open systems. Each stream should be clearly identified by the name of the stream and/or a unique identification number of the stream by MCPU. Include with this response, the date of construction and commencement date of each MCPU and its associated ancillary equipment.
- 9) For each wastewater stream and liquid stream identified in item 8 above, clearly specify which streams are subject to the provisions of 40 CFR § 63.2485(a) through (o) and the requirements of



Table 7 of Subpart FFFF as well as those which are not subject. For those wastewater streams and liquid streams which are not subject to the provisions of 40 CFR § 63.2485(a) through (o) and the requirements of Table 7 of Subpart FFFF, provide the documentation which clearly demonstrates why those streams are not subject.

- 10) For each wastewater stream and liquid stream identified in item 9 above, provide complete documentation, including applicable dates (e.g. initial compliance date, date that DuPont became subject to this rule), diagrams, calculations, and compliance demonstration verification data as well as sampling and analytical results and testing methodologies, which clearly demonstrates the compliance or non-compliance of each stream and how it was determined with regard to the provisions of 40 CFR § 63.2485(a) through (o) and the requirements of Table 7 of Subpart FFFF and the provisions of 40 CFR Part 63 Subparts F and G as applicable. In other words, clearly specify by regulatory citation from 40 CFR § 63.2485(a) through (o) and Table 7 of Subpart FFFF and from 40 CFR Part 63 Subparts F and G each provision of these regulations for which each stream is demonstrating compliance. For those situations where the applicable regulations offer compliance options and/or control options, identify which compliance and/or control option was selected for each Group 1 stream and which standard(s) is being met and match that information to the above requested compliance demonstration verification data. As a part of this documentation, clearly identify which streams are classified as Group 1 and which streams are classified as Group 2.
- 11) For each wastewater stream and liquid stream identified in item 10 above, please provide the documentation which DuPont has historically relied upon and currently relies upon to verify and justify why and how the streams are classified as either Group 1 or Group 2. This information should include when these classifications were made. With regard to any streams which have previously been classified as Group 2 streams, please identify all process changes that were made which would have called for a re-determination of group status as described in 40 CFR § 63.132(c)(3) and 63.132(d)(3). Such process changes would include, but not be limited to, changes in production capacity, production rate, feedstock type, or whenever there is a replacement, removal, or addition of recovery or control equipment. Also, provide the re-determination documentation. In addition, please identify all process changes that were made which would not have called for a re-determination of group status.
- 12) For each Group 2 wastewater stream and liquid stream identified in item 10 above or any other wastewater stream or liquid stream that may be excluded from Subpart FFFF, please provide any sampling and analytical data that has been collected by DuPont in the last five years, as available.
- 13) For each wastewater stream and liquid stream identified in item 8 above and not also identified in item 9 above, clearly specify and provide the reasons and documentation supporting why those streams are not subject to any of the provisions of 40 Part CFR 63.2485.
- 14) For each and every wastewater stream and liquid stream identified in item 9 above, provide a detailed discussion of how the company is treating each and every wastewater stream and liquid stream.
- 15) For each wastewater treatment system, provide a detailed discussion of how the wastewater treatment system operates. This should include a treatment system diagram, a list of all inlet streams to the treatment system, a list of outlet streams from the treatment system, a description on how the company monitors the treatment system to ensure it is operating properly, a complete copy of the treatment system test plan, and a complete copy, including attachments, of the initial compliance demonstration report.



- 16) As defined and regulated in 40 CFR Part 63 Subpart G, provide a complete list, by name and/or unique identification number, of the wastewater tanks, surface impoundments, containers, individual drain systems, and oil-water separators contained within each process. Also, clearly show where it appears within each MCPU on the P&ID requested in item 2 above.
  - 17) For each process and for each MCPU, provide the date that each one began operation.
  - 18) Provide a copy of the Notice of Compliance Status Report that has been prepared and submitted by DuPont pursuant to 40 CFR § 63.2520(d).
-





## **ENCLOSURE C**

This is to be signed and dated by a duly authorized official of DuPont Chemicals & Fluoroproducts.

### **STATEMENT OF CERTIFICATION**

I hereby certify that the foregoing responses and information provided to the EPA in response to its Clean Air Act, Section 114, Information Request were prepared under my direction or supervision and that I have personal knowledge of all matters set forth in the responses and the accompanying information or that I consulted with individuals having personal knowledge (note, please identify such individuals). I certify that the responses are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

---

Signature and Date

---

Printed Name and Title





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

MAR 09 2015

UNITED PARCEL SERVICE

Mr. Thomas R. Herman  
Corporate Environmental Manager  
Zeon Chemicals L.P.  
4100 Bells Lane  
Louisville, Kentucky 40211

Dear Mr. Herman:

The purpose of this letter is to request information as part of a U.S. Environmental Protection Agency investigation of the Zeon Chemicals L.P. facility (Zeon), located in Louisville, Kentucky, to determine the compliance status with the requirements of the Clean Air Act (CAA or Act), 42 U.S.C. § 7401, *et seq.*, specifically with the wastewater requirements of 40 C.F.R. Part 63, Subpart FFFF (National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing) for wastewater streams.

Section 114(a) of the CAA, 42 U.S.C § 7414(a), authorizes the Administrator of the EPA to require any person who owns or operates an emission source, whom the Administrator believes may have information necessary for the purposes of Section 114(a), or who is subject to any requirement of the CAA, to provide such information as the Administrator may reasonably require for the purpose of carrying out any provision of the CAA. This authority has been duly delegated to the Director of the Air, Pesticides, and Toxics Management Division Region 4.

Therefore, pursuant to Section 114(a), Zeon is directed to respond to the enclosed Information Request (Enclosure A) within thirty (30) days of receipt of this Section 114 Information Request. The EPA, for good cause shown, may extend the deadline for responding to the request. The response to the information requested must be accompanied by the enclosed Statement of Certification (Enclosure C), which is to be signed by a responsible official of Zeon. You should respond to this Information Request as completely as possible. The response must be delivered to the EPA or be postmarked no later than the above deadline. Send one complete copy of your response, including supporting documentation, to the following address:

Nikki Radford  
Air Enforcement & Toxics Branch  
U.S. EPA, Region 4  
Atlanta Federal Center  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303

Under 40 C.F.R. Part 2, Subpart B, you may assert a business confidentiality claim covering part or all of the information you submit, other than emissions data and information or data that is otherwise publicly available, as described in 40 CFR 2.203(b). The page, paragraph, and sentence must be

Internet Address (URL) • <http://www.epa.gov>



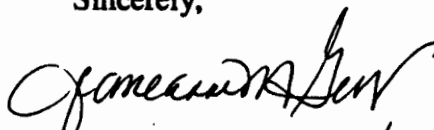
identified for any information subject to a claim of business confidentiality. If no business confidentiality claim accompanies the information when it is received by the EPA, the EPA may make the information available to the public without further notice. Enclosure B specifies the assertion and substantiation requirements for business confidentiality claims. Please note that if the EPA receives a Freedom of Information Act request for information you claim to be business confidential, or wants to determine whether such information is entitled confidential treatment, you will be required to bear the burden of substantiating your confidentiality claim. See 40 C.F.R. § 2.204(a) and (d). In those instances, you will be given an opportunity to submit comments on your claim by responding to 11 questions in Enclosure B. Your comments in response to these questions will be used by the EPA to determine whether the information has been shown to meet the requirements so as to be entitled to confidential treatment. Failure to submit your comments by the deadline in the letter will be regarded as a waiver of your confidentiality claim, and the EPA may release the information.

Failure to comply fully with this request for information is a violation of Section 114 of the CAA and could result in an enforcement action for the recovery of civil penalties not to exceed \$37,500 per day, per violation, or for injunctive relief or both. Section 113, 42 U.S.C. §7413, of the CAA gives the EPA the authority to seek criminal penalties from any person who knowingly makes any false statement, representation, or certification in any report required under the CAA.

This request is not subject to the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501 et seq., because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

If you have any questions relating to this Information Request, you may consult with the EPA prior to the above specified time. Questions should be directed to Nikki Radford at (404) 562-9099 or by email at radford.nicole@epa.gov. Thank you for your cooperation in this matter.

Sincerely,



Beverly H. Banister  
Director

Air, Pesticides and Toxics Management Division

**Enclosures**

cc: Terri Phelps  
Louisville Metro Air Pollution Control District  
850 Barrett Avenue #205  
Louisville, Kentucky 40204



## **ENCLOSURE A**

### **INFORMATION REQUEST**

For purposes of this information request, the definitions set forth in Section B shall apply and should be considered carefully by you in preparing your responses.

#### **A. INSTRUCTIONS:**

1. Please provide a separate narrative response to each question and subpart of a question set forth in this Information Request and precede each answer with the number of the question to which it corresponds.
2. If requested information or documents are not known or are not available to you at the time of your response to this Information Request, but later become known or available to you, you must supplement your response to the EPA. Moreover, should you find at any time after submission of your response that any portion is or becomes false, incomplete, or misrepresents the facts; you must provide the EPA with a corrected response as soon as possible.
3. Requested information can be submitted in electronic form if applicable.
4. Where specific information has not been memorialized in a document, but is nonetheless responsive to a Request, you must respond to the Request with a written response.
5. The information requested herein must be provided even though Zeon may contend that it includes possible confidential information or trade secrets. You may, if you desire, assert a confidentiality claim covering part or all of the information requested, pursuant to Section 114(c) of the CAA, 42 U.S.C. § 7414(c), and 40 C.F.R. § 2.203(b), by attaching to such information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," or "proprietary," or "company confidential." Information covered by such a claim will be disclosed by the EPA only to the extent, and only by means, of the procedures set forth in the statute and regulation identified above. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. You should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.
6. If information responsive to this Information Request is not in your possession, custody or control, then identify the person from whom such information may be obtained.
7. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.





## **B. DEFINITIONS:**

1. The term "you" or "Zeon" shall include Zeon Chemicals L.P., its parent corporation(s) and subsidiaries, the addressees of this Request, and the officers, managers, employees, contractors, trustees, partners, successors, assigns, and agents of the above corporations.
2. "Facility" means the plant (including all physical structures) owned and/or operated by Zeon, located at 4100 Bells Lane, Louisville, Kentucky, 40211.
3. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
4. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.
5. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), the identity of the author, addressor, addressee(s) and/or recipient, and the substance or the subject matter.
6. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
7. The term "document" shall include writings of any kind, formal or informal, whether or not wholly or partially in handwriting (including by way of illustration and not by way of limitation), any invoice, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, inter-office or intra-office communications, photostat or other copy of any documents, microfilm or other film record, photograph, sound recording on any type of device, punch card, disc or disc pack, tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use punch card, disc, disc pack, tape or the type of memory); including (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure, notation, annotation, or the like on it, drafts, (c) attachments to or enclosures with any document, and (d) every document referred to in any other document.
8. The term "closed-vent system" is defined in 40 CFR Part 63.161.
9. The term "closed-loop system" is defined in 40 CFR Part 63.161.
10. The term "Group 1 wastewater stream" is defined in 40 CFR Part 63.2550.
11. The term "Group 2 wastewater stream" is defined in 40 CFR Part 63.2550.



12. The term "miscellaneous organic chemical manufacturing process Unit" (MCPU) is defined in 40 CFR Part 63.2550.
13. The term "point of determination" is defined in 40 CFR Part 63.2550.
14. The term "wastewater" is defined in 40 CFR Part 63.2550.
15. The term "wastewater stream" is defined in 40 CFR Part 63.2550.
16. The term "vent stream" is defined in 40 CFR Part 63.111.
17. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in the Clean Air Act, in which case the statutory definitions shall apply.



### **C. INFORMATION REQUEST:**

You are hereby required, in accordance with Section 114(a) of the Act, 42 U.S.C. § 7414(a), to provide the following information for Zeon in Louisville, Kentucky.

1. For all of the facility operations, identify with specificity each and every process at the Zeon Louisville facility. Each process should be clearly identified by the name of the process and/or a unique identification number.
2. For each process, provide a process flow diagram and a piping and instrumentation diagram (P&ID) which shows each wastewater stream, liquid stream, and vent stream for each piece of equipment, and this should include, but not be limited to, knock-out pots, liquid ring vacuum pumps, etc. The diagram should illustrate the origin and complete path of each and every wastewater stream, liquid stream, and vent stream with regard to each piece of equipment. Each stream should be clearly identified by the name of the stream and/or a unique identification number of the stream.
3. For each process identified, provide a complete list of the specific hazardous air pollutants addressed by Section 112 of the Clean Air Act that are associated with each process.
4. For each and every process at Zeon, identify with specificity which processes are subject to the provisions of 40 CFR Part 63 Subpart FFFF as well as those which are not subject. For those processes which are not subject to the provisions of 40 CFR Part 63 Subpart FFFF, provide the documentation which clearly demonstrates why those processes are not subject.
5. For all of the facility operations, identify with specificity each and every Miscellaneous Organic Chemical Process Unit (MCPU) at the Zeon Louisville facility and identify the process with which it is associated. Each MCPU should be clearly identified by the name of the MCPU and/or a unique identification number.
6. Provide a complete list of the specific hazardous air pollutants addressed by Section 112 of the Clean Air Act that are associated with each MCPU and each stream.
7. For each and every MCPU at Zeon, identify with specificity which MCPU's are subject to the provisions of 40 CFR Part 63 Subpart FFFF as well as those which are not subject. Also, identify each piece of equipment that is part of each MCPU. For the MCPU's which are not subject to the provisions of 40 CFR Part 63 Subpart FFFF, provide the documentation which clearly demonstrates why those MCPU's are not subject.
8. For each MCPU at the Zeon Louisville facility which is subject to the provisions of 40 CFR Part 63 Subpart FFFF, provide a detailed process flow diagram. The diagram must identify with specificity each and every piece of equipment in the MCPU, and each and every inlet and outlet stream associated with each piece of equipment. The diagram should also differentiate between liquid streams and vent streams, and must identify each and every wastewater stream, and liquid stream in open systems. Each stream should be clearly identified by the name of the stream and/or a unique identification number of the stream by MCPU. Include with this response, the date of construction and commencement date of each MCPU and its associated ancillary equipment.



9. For each wastewater stream and liquid stream identified in item 8 above, clearly specify which streams are subject to the provisions of 40 CFR Part 63.2485(a) through (o) and the requirements of Table 7 of Subpart FFFF as well as those which are not subject. For those wastewater streams and liquid streams which are not subject to the provisions of 40 CFR Part 63.2485(a) through (o) and the requirements of Table 7 of Subpart FFFF, provide the documentation which clearly demonstrates why those streams are not subject.
10. For each wastewater stream and liquid stream identified in item 9 above, provide complete documentation, including applicable dates (e.g., initial compliance date, date that Zeon became subject to this rule), diagrams, calculations, and compliance demonstration verification data as well as sampling and analytical results and testing methodologies, which clearly demonstrates the compliance or non-compliance of each stream and how it was determined with regard to the provisions of 40 CFR Part 63.2485(a) through (o) and the requirements of Table 7 of Subpart FFFF and the provisions of 40 CFR Part 63 Subparts F and G as applicable. In other words, clearly specify by regulatory citation from 40 CFR Part 63.2485(a) through (o) and Table 7 of Subpart FFFF and from 40 CFR Part 63 Subparts F and G each provision of these regulations for which each stream is demonstrating compliance. For those situations where the applicable regulations offer compliance options and/or control options, identify which compliance and/or control option was selected for each Group 1 stream and which standard(s) is being met and match that information to the above requested compliance demonstration verification data. As a part of this documentation, clearly identify which streams are classified as Group 1 and which streams are classified as Group 2.
11. For each wastewater stream and liquid stream identified in item 10 above, please provide the documentation which Zeon has historically relied upon and currently relies upon to verify and justify why and how the streams are classified as either Group 1 or Group 2. This information should include when these classifications were made. With regard to any streams which have previously been classified as Group 2 streams, please identify all process changes that were made which would have called for a re-determination of group status as described in 40 CFR Part 63.132(c)(3) and 63.132(d)(3). Such process changes would include, but not be limited to, changes in production capacity, production rate, feedstock type, or whenever there is a replacement, removal, or addition of recovery or control equipment. Also, provide the re-determination documentation. In addition, please identify all process changes that were made which would not have called for a re-determination of group status.
12. For each Group 2 wastewater stream and liquid stream identified in item 10 above or any other wastewater stream or liquid stream that may be excluded from Subpart FFFF, please provide any sampling and analytical data that has been collected by Zeon in the last five years, as available.
13. For each wastewater stream and liquid stream identified in item 8 above and not also identified in item 9 above, clearly specify and provide the reasons and documentation supporting why those streams are not subject to any of the provisions of 40 CFR Part 63.2485.
14. For each and every wastewater stream and liquid stream identified in item 9 above, provide a detailed discussion of how the company is treating each and every wastewater stream and liquid stream.
15. For each wastewater treatment system, provide a detailed discussion of how the wastewater treatment system operates. This should include a treatment system diagram, a list of all inlet streams





to the treatment system, a list of outlet streams from the treatment system, a description on how the company monitors the treatment system to ensure it is operating properly, a complete copy of the treatment system test plan, and a complete copy, including attachments, of the initial compliance demonstration report.

16. As defined and regulated in 40 CFR Part 63 Subpart G, provide a complete list, by name and/or unique identification number, of the wastewater tanks, surface impoundments, containers, individual drain systems, and oil-water separators contained within each process. Also, clearly show where it appears within each MCPU on the P&ID requested in item 2 above.
17. For each process and for each MCPU, provide the date that each one began operation.
18. Provide a copy of the Notice of Compliance Status Report that has been prepared and submitted by Zeon pursuant to 40 CFR Part 63.2520(d).



## **ENCLOSURE B**

### **CONFIDENTIAL BUSINESS INFORMATION (CBI)**

#### **Assertion and Substantiation Requirements**

##### **A. ASSERTION REQUIREMENTS**

You may assert a business confidentiality claim covering part or all of the information you submit, other than emissions data and information or data that is otherwise publicly available, as described in 40 CFR 2.203(b). If no business confidentiality claim accompanies the information when it is received by EPA, EPA may make the information available to the public without further notice. To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document over which you make a claim of confidentiality should be marked by placing on or attaching to the information, at the time it is submitted to EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret" or "proprietary" or "business confidential" and a date if any when the information should no longer be treated as confidential. **You must be specific by page, paragraph, and sentence when identifying the information subject to your claim.** Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. Information covered by such a claim will be disclosed by the EPA only to the extent permitted and by means of the procedures set forth by Section 114(c) of the Clean Air Act (the Act), and 40 C.F.R. Part 2, Subpart B. The EPA will construe the failure to furnish a confidentiality claim with your response to the attached letter as a waiver of that claim, and the information may be made available to the public without further notice to you.

Please segregate personnel, medical and similar files from your responses and include that information on separate sheet(s) marked as "Personal Privacy Information" given that disclosure of such information to the general public may constitute an invasion of privacy.

##### **B. SUBSTANTIATION REQUIREMENTS**

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. Part 2, Subpart B. **You bear the burden of substantiating your confidentiality claim** and must satisfactorily show that disclosure of the information would be likely to cause substantial harm to your business' competitive position; that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; and that the information is not and has not been reasonably obtainable by legitimate means without your consent, among other things. Conclusory allegations will be given little or no weight.

Before EPA makes a final determination regarding your claim of confidentiality, pursuant to 40 C.F.R. Part 2, Subpart B, EPA will send you a letter asking you to substantiate fully your CBI claim by answering 11 questions. Your comments in response to these questions will be used by the EPA to determine whether the information has been shown to meet the requirements so as to be entitled to confidential treatment. You must provide EPA with a response within the number of days set forth in the EPA request letter. Failure to submit your comments within that time will be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information.



EPA will ask you to specify which portions of the information you consider confidential. You must be specific by page, paragraph, and sentence when identifying the information subject to your claim. Please note that if a page, document, group or class of documents claimed by you to be confidential contains a significant amount of information which the EPA determines is not confidential, your confidentiality claim regarding that page, document, group or class of documents may be denied. Any information not specifically identified as subject to a confidentiality claim may be disclosed without further notice to you. For each item or class of information that you identify as being confidential, EPA will ask you to answer the following questions, giving as much detail as possible, as conclusory allegations will be given little or no weight in EPA's determination:

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to the EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question #1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? If so, specify which.
5. Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
6. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
7. For each item or category of information claimed as confidential, explain with specificity why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
8. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, please explain whether the information is the kind that would customarily not be released to the public.
9. Whether you assert the information as voluntary or involuntary, please address why disclosure of the information would tend to lessen the availability to the EPA of similar information in the future.



10. If you believe any information to be (a) trade secret (s), please so state and explain the reason for your belief. Please attach copies of those pages containing such information with brackets around the text that you claim to be (a) trade secret (s).
11. Explain any other issue you deem relevant (including, if pertinent, reasons why you believe that the information you claim to be CBI is not emission data or effluent data).

Please note that emission data provided under Section 114 of the Act, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2. "Emission data" means, with reference to any source of emission of any substance into the air - (A) information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing; (B) information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including, to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and (C) a general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source). 40 C.F.R. §§ 2.301(a)(2)(i)(A), (B) and (C).

Information designated confidential will be disclosed by EPA only to the extent allowed by, and by means of the procedures set forth in, 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.





## **ENCLOSURE C**

This is to be signed and dated by a duly authorized official of Zeon Chemical L.P.

### **STATEMENT OF CERTIFICATION**

I hereby certify that the foregoing responses and information provided to the EPA in response to its Clean Air Act, Section 114, Information Request were prepared under my direction or supervision and that I have personal knowledge of all matters set forth in the responses and the accompanying information or that I consulted with individuals having personal knowledge (note, please identify such individuals). I certify that the responses are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

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Signature and Date

---

Printed Name and Title





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

APR 02 2015

**UNITED PARCEL SERVICE**  
**EMAIL VERIFICATION REQUESTED**

J. David Hilton, Vice President-Production  
Pruet Production Company  
217 West Capitol Street, Suite 201  
Jackson, Mississippi 39201

Dear Mr. Hilton:

Pursuant to Section 114(a)(1) of the Clean Air Act (the Act), 42 U.S.C. § 7414(a)(1), you are hereby requested to provide the U.S. Environmental Protection Agency with information relating to Pruet Production Company (Pruet) natural gas wells located in Mississippi. This information is needed to determine whether Pruet is in compliance with requirements of the Act and its implementing regulations. Section 114(a) of the Act, 42 U.S.C. § 7414(a), authorizes the Administrator of the EPA to require any person who owns or operates an emission source, whom the Administrator believes may have information necessary for the purposes set forth in Section 114(a), or who is subject to any requirement of the Act, to provide such information as the Administrator may reasonably require for the purpose of carrying out any provision of the Act. This authority has been duly delegated to the Director of the Air, Pesticides and Toxics Management Division, Region 4.

Please review and follow the instructions in and, where required, complete the following enclosures: Instructions (Enclosure 1), Definitions (Enclosure 2), Claiming Confidentiality (Enclosure 3), Questions (Enclosure 4), and Statement of Certification (Enclosure 5).

The requested information shall be submitted to the EPA per Enclosure 1. The responses shall be submitted **no later than thirty (30) calendar** days after Pruet's receipt of this letter as determined by the date of the Email Verification. This information must be submitted to the following individual:

Denis B. Kler  
APTMD/AETB  
U.S. EPA Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303

Failure to provide the information required by this letter is a violation of the Act and may result in one or more of the following actions: (1) issuance of an order requiring compliance with this request; (2) issuance of an administrative penalty order pursuant to Section 113(d) of the Act, 42 U.S.C. § 7413(d); (3) commencement of a civil action in accordance with Sections 113(b) and 305 of the Act, 42 U.S.C. §§ 7413(b) and 7605; and/or (4) any other action authorized under the Act.



Under Section 114(c) of the Act, 42 U.S.C. § 7414(c), and pursuant to the regulations found at 40 C.F.R. Part 2, Subpart B, including 40 C.F.R. § 2.301, you are entitled to assert a claim of business confidentiality for any information you provide to the EPA that involves trade secrets and which Pruet regards as confidential business information (CBI). For such information, you may request that the EPA treat such information as confidential. Any such claim of confidentiality must conform to the requirements of 40 C.F.R. § 2.203(b). Note that "emission data," as defined by 40 C.F.R. § 2.301(a)(2), cannot be claimed as confidential under Section 114(c) of the Act, 42 U.S.C. § 7414(c). For detailed instructions for claiming confidentiality, please see Enclosure 3. Information you supply under a claim of confidentiality will be treated as CBI to the degree determined appropriate according to the regulations. Unless Pruet asserts a confidentiality claim at the time the requested information is submitted, the EPA may make the information available to the public without further notice to you. Please note that any confidentiality claim does not obviate the need to send that portion of the response to the EPA.

The response to the information requested must be accompanied by the enclosed Statement of Certification, which is to be signed and dated by a responsible official of Pruet. This statement certifies that the response submitted to the EPA is complete and contains all documents and information responsive to this request that are known to you, following a complete and thorough review of all information and sources available to you. Please see Enclosure 5 for a Statement of Certification template for Pruet's use.

This request is not subject to the Paperwork Reduction Act, 44 U.S.C. §§ 3501 – 3520, because it seeks information from specific individuals or entities as part of an investigation.

If you have any questions regarding this matter, please contact Mr. Denis B. Kler at (404) 562-9199.

Sincerely,



Beverly H. Banister  
Director

Air, Pesticides and Toxics Management Division

Enclosures: 1 – Instructions  
2 – Definitions  
3 – Claiming Confidentiality  
4 – Questions  
5 – Statement of Certification

cc: Jay Barkley, MDEQ



## **ENCLOSURE 1**

### **Instructions**

Each of the following instructions applies to each and every question contained in Enclosure 4.

1. If the company has no responsive information or documents pertaining to a particular question, submit an affirmative statement and explanation.
2. If your response to a particular question requires a scanned or hardcopy document, you must identify the filename or document title. Make sure to correlate any hardcopy or scanned documents to a specific question. If a document is responsive to more than one question, this must be so indicated and only one copy of the document needs to be provided.
3. The company may choose to either submit documents in .pdf format or submit documents as hard copy documents. However, electronic submissions are preferred. Should the company choose to provide .pdf electronic documents, do not create separate .pdf files for each page of a single document.
4. Identify each person whom you relied on or consulted with in preparing your responses to each question of this information request. Provide their name, title, job duties and duration of employment with the company. If they are not an employee of the company, identify their employer and provide their name, title, job duties and duration of employment with their employer.
5. Identify each document consulted, examined, or referred to in the preparation of your response or that contains information responsive to the question, and provide a true and correct copy of each such document if not provided in response to another specific question. Indicate on each document produced in response to this information request the number of the question to which it corresponds.
6. If requested information or documents are not known or are not available to you at the time of your response to this information request, but later become known or available to you, you must supplement your response to the EPA within 30 calendar days of discovery of the responsive information. Moreover, should you find at any time after submission of your response that any portion is or becomes false, incomplete or misrepresents the facts, you must provide the EPA with a corrected response as soon as possible.
7. Provide a separate response to each and every question, and each and every subpart of a question.





## **ENCLOSURE 2**

### **Definitions**

1. The terms **"document"** and **"writing"** and the plural forms thereof shall mean all written, recorded or graphic matters, however produced or reproduced, of every kind and description, pertaining in any way to the subject matter of this request, and which are in the company's possession, custody or control or to which the company has or has had access. The terms **"document"** and **"writing"** shall include, but are not limited to: any receipts; invoices; shipping records; purchase orders; purchase records; books; pamphlets; periodicals; memoranda (including those of telephone or oral conversations); contracts; correspondence; agreements; applications; financial records; security instruments; disbursements; checks; bank statements; time records; accounting or financial records; notes; diaries; logs; facsimiles (faxes); telegrams or cables prepared, drafted, received or sent; electronic mail (email), whether drafted, received or sent; tapes; transcripts; recordings; minutes and notes of meetings; directives; work papers; charts; drawings; prints; flow sheets; photographs; infrared camera recordings; film; computer printouts; x-ray photographs; advertisements; catalogs; data; sampling reports, plans, protocols, reports, analyses; or any handwritten, recorded, transcribed punched, taped, filmed or graphic matter, however produced or reproduced.
2. The terms **"person"** or **"persons"** shall have the meaning set forth in Section 302(e) of the Act, 42 U.S.C. § 7602(e), and includes an individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency, department, or instrumentality of the United States and any officer, agent or employee thereof.
3. The terms **"relate to"** or **"pertain to"** (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.
4. The terms **"you"** and/or **"your"** shall mean the company, and all its agents, employees, representatives, investigators, accountants, auditors, attorneys, experts, consultants, and contractors. These terms shall also mean any others who are not listed above and are in possession, custody, or control (actual or constructive) of information relevant to this request or information that is otherwise available to Pruet, or who may have obtained information for or on behalf of Pruet.

All terms not defined in this enclosure have their ordinary meaning, unless such terms are defined in the Clean Air Act and/or its implementing regulations, and in which case the statutory and/or regulatory definitions apply. Words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions. The terms **"and"** and **"or"** shall be construed either conjunctively or disjunctively as necessary to bring within the scope of this information request any information which might otherwise be construed to be outside its scope.



### **ENCLOSURE 3**

#### **Confidential Business Information (CBI) Assertion and Substantiation Requirements**

##### **A. Assertion Requirements**

You may assert a business confidentiality claim covering part or all of the information, other than emissions data and information or data that is otherwise publicly available, as described in 40 C.F.R. § 2.203(b). If no business confidentiality claim accompanies the information when it is received by the EPA, the EPA may make the information available to the public without further notice. To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document over which you make a claim of confidentiality should be marked by placing on or attaching to the information, at the time it is submitted to the EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret" or "proprietary" or "business confidential" and a date if any when the information should no longer be treated as confidential. **You must be specific by page, paragraph, and sentence when identifying the information subject to your claim.** Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. Information covered by such a claim will be disclosed by the EPA only to the extent permitted and by means of the procedures set forth by Section 114(c) of the Clean Air Act (the Act), and 40 C.F.R. Part 2, Subpart B. The EPA will construe the failure to furnish a confidentiality claim with your comments on the draft inspection report as a waiver of that claim, and the information may be made available to the public without further notice to you.

##### **B. Substantiation Requirements**

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. Part 2, Subpart B. **You bear the burden of substantiating your confidentiality claim** and must satisfactorily show that disclosure of the information would be likely to cause substantial harm to your business' competitive position; that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; and that the information is not and has not been reasonably obtainable by legitimate means without your consent, among other things. Conclusory allegations will be given little or no weight.

Before the EPA makes a final determination regarding your claim of confidentiality, pursuant to 40 C.F.R. Part 2, Subpart B, EPA will send you a letter asking you to substantiate fully your CBI claim by answering 11 questions. Your comments in response to these questions will be used by the EPA to determine whether the information has been shown to meet the requirements so as to be entitled to confidential treatment. You must provide the EPA with a response within the number of days set forth in the EPA request letter. Failure to submit your comments within that time will be regarded as a waiver of your confidentiality claim or claims, and the EPA may release the information.

EPA will ask you to specify which portions of the information you consider confidential. You must be specific by page, paragraph, and sentence when identifying the information subject to your claim. Please note that if a page, document, group or class of documents claimed by you to be confidential contains a significant amount of information which the EPA determines is not confidential, your confidentiality claim regarding that page, document, group or class of documents may be denied. Any information not specifically identified as subject to a confidentiality claim may be disclosed without further notice to you. For each item or class of information that you identify as being confidential, the



EPA will ask you to answer the following questions, giving as much detail as possible, as conclusory allegations will be given little or no weight in the EPA's determination:

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to the EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question #1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? If so, specify which.
5. Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
6. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
7. For each item or category of information claimed as confidential, explain with specificity why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
8. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, please explain whether the information is the kind that would customarily not be released to the public.
9. Whether you assert the information as voluntary or involuntary, please address why disclosure of the information would tend to lessen the availability to the EPA of similar information in the future.
10. If you believe any information to be (a) trade secret (s), please so state and explain the reason for your belief. Please attach copies of those pages containing such information with brackets around the text that you claim to be (a) trade secret (s).
11. Explain any other issue you deem relevant (including, if pertinent, reasons why you believe that the information you claim to be CBI is not emission data or effluent data).

Please note that emission data provided under Section 114 of the Act, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2. "Emission data" means, with reference to any source of emission of any substance into the air - (A) information necessary to determine the identity, amount,



frequency, concentration, or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing; (B) information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including, to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and (C) a general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. §§ 2.301(a)(2)(i)(A), (B) and (C).

Information designated confidential will be disclosed by the EPA only to the extent allowed by, and by means of the procedures set forth in, 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.





## **ENCLOSURE 4**

### **Information Request Questions**

Provide the following information using the instructions and definitions provided in Enclosures 1 and 2. A response must be sent to the EPA no later than thirty (30) calendar days after Pruet receives this request.

#### **Wolf Creek Wellsite**

1. Provide complete copies of the sour gas hydrogen sulfide content analysis for each month from January 2013 to present.
2. Provide copies of all the actual sour gas flow rate monitor charts for the months of January 2013, July 2013, January 2014, and December 2014. Also include a detailed description of how the monitor measures and calculates the gas flow rate, the units of flow rate on the chart, the frequency at which the monitor is calibrated, and copies of the monitor calibration records from January 2013 to present.
3. Provide copies of the measured total sour gas flow rate to the flare for each month from January 2013 to present.
4. Provide complete copies of the semiannual reports summarizing the hydrogen sulfide content, the sour gas flow rate, and the sulfur dioxide emissions that were submitted in July 2013, January 2014, July 2014, and January 2015.
5. Provide a detailed discussion on how the company calculates the sulfur dioxide emissions that are submitted with the semiannual reports.
6. During the on-site evaluation, EPA identified a white collection container downstream of the storage tanks and upstream of the flare. Provide a description of the purpose of the white collection container, and the date that the container was installed.
7. Provide complete copies of any sampling analysis of the material contained in the white collection container.
8. Provide copies of the records from January 2013 to present, identifying the date, the time, the quantity of material that was removed from the white collection container, and how the material was disposed.
9. Provide copies of any extended laboratory analysis of the combined gas vent stream sent to the flare from January 2013 to present. If no extended laboratory analysis is available during the specified time period, then provide a copy of the most recent extended laboratory analysis. With each copy of an extended analysis, provide the method used to take the gas sample, the method used to analyze the gas sample, and the daily production data during the sampling event.
10. Provide copies of any extended laboratory analysis of the pressurized liquid stream leaving the gas-buster and prior to the power oil tank. With each sample provide the method used to take the pressurized liquid sample, and the method used to analyze the pressurized liquid sample.
11. Provide copies of the following documents and writings related to the site:
  - a. All federal and/or state permits, general permits, registrations, notifications, authorizations, and/or determinations (including any claimed exemption authorizations which do not require notification) relating to federal and/or state permitting applicability pursuant to the Clean Air Act and its implementing regulations;
  - b. All permit applications, supporting materials, and correspondence with any federal and/or state permitting authority regarding the approval or disapproval of such applications, registrations, notifications, authorizations, determinations, or permits; and



- c. All information, analyses, calculations, and correspondence utilized in concluding that a permit, registration, notification, authorization, and/or determination was or was not required under the Clean Air Act.
- 12. Provide monthly data of oil throughput (in barrels) from January 1, 2013, to present for each oil storage tank at the site.
- 13. Provide the normal operating pressures (psia) ranges for:
  - a. the well head;
  - b. the gas buster; and
  - c. the power oil storage tank.

**Welch 5-15 Wellsite**

- 14. Provide monthly data of oil throughput (in barrels) from January 1, 2013, to present for each oil storage tank at the site.
- 15. Provide monthly data of produced water generated on-site (in barrels) from January 1, 2013, to present.
- 16. Provide monthly data of produced water received (in barrels) from the Nicholson well, the Bates well, and the Coats well from January 1, 2013 to present.
- 17. Provide monthly data of gas produced on-site (thousand cubic feet) from January 1, 2013, to present.
- 18. Provide monthly data of gas received (thousand cubic feet) from the Nicholson well, the Bates well, and the Coats well from January 1, 2013 to present.
- 19. Does the liquid in the produced water tanks separate into an organic layer and water layer? If so, provide a narrative of what happens to the organic layer in the storage tanks, and a narrative of what happens to the produced water in the storage tank.
- 20. Provide copies of any extended laboratory analysis of the organic layer that separates in the produced water storage tanks. With each sample provide the method used to take the liquid sample, and the method used to analyze the liquid sample.
- 21. Provide copies of any results of volatile organic compound analysis on the water in the produced water storage tanks. With each sample provide the method used to take the liquid sample, and the method used to analyze the liquid sample.
- 22. Provide an extended laboratory analysis of a pressurized liquid sample of the oil leaving the separator and prior to the power oil tank. The company must provide a process flow diagram of where the sample was taken, the company must provide a block flow diagram showing each hydrocarbon liquid and produced water storage tank located at the site and arrows indicating how each stream exiting the separator is routed to tanks and between tanks, the company must take the sample using appropriate industry accepted methods such as GPA method 2174, and the company must analyze the sample using an appropriate industry accepted method such as GPA method 2186. If the company does not use GPA methods 2174 and 2186 for sampling and analysis, respectively, the company must provide justification for why the chosen methods were more appropriate. When submitting the results, include the operating temperature and pressure of the separator, the total gas, water and oil production during the day of the sampling event, and the total gas, water and oil production for the six days prior to the sampling event.
- 23. Provide copies of the following documents and writings related to the site:
  - a. All federal and/or state permits, general permits, registrations, notifications, authorizations, and/or determinations (including any claimed exemption authorizations which do not require notification) relating to federal and/or state permitting applicability pursuant to the Clean Air Act and its implementing regulations;



- b. All permit applications, supporting materials, and correspondence with any federal and/or state permitting authority regarding the approval or disapproval of such applications, registrations, notifications, authorizations, determinations, or permits; and
  - c. All information, analyses, calculations, and correspondence utilized in concluding that a permit, registration, notification, authorization, and/or determination was or was not required under the Clean Air Act.
24. Provide copies of all documents and writings that refer, pertain, or relate to:
- a. Estimates or calculations of VOC emissions at the site, including, but not limited to, estimates generated by process simulator software and direct measurements; and
  - b. The site's potential to emit (PTE) for VOCs; and/or the API Gravity and Reid Vapor Pressure (RVP) (psia) of the condensate.
25. Provide copies of all documents and writings that reference an emission factor for VOCs from condensate storage tanks (in any unit of measure, including, but not limited to, pounds of VOCs per barrel of condensate produced).
26. Provide the following information for the natural gas sales line compressor engine:
- a. the manufacturer of the engine and the date the engine was built;
  - b. the engine model number and serial number;
  - c. the engine design capacity and size; and
  - d. a description of the engine (i.e., whether engine is two stroke or four stroke; a lean burn or rich burn engine; and if it is a reciprocating internal combustion engine).
27. Provide a list of dates the company sent any material to the on-site flare/vent line from January 1, 2013 to present. This information should also include the time the event started, the time the event ended, the reason the event occurred, and the actions taken to correct the event.
28. Provide the normal operating pressures (psia) ranges for:
- a. the well head;
  - b. the separator; and
  - c. the power oil storage tank.



**ENCLOSURE 5**

**STATEMENT OF CERTIFICATION**

I certify that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my personal inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Act, 42 U.S.C. § 7413(c)(2), and 18 U.S.C. §§ 1001, 1341 and 1505.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Date)







**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 4

ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

**APR 07 2015**

**UPS & ELECTRONIC MAIL**

Mr. Ignacio Garin  
Manager Sulfur Derivatives  
Akzo Nobel Functional Chemicals, LLC  
525 West Van Buren Street  
Chicago, Illinois 60607

Dear Mr. Garin:

Based upon information gathered by the U. S. Environmental Protection Agency, through on-site inspections, responses to information requests, and review of state files, it appears that Akzo Nobel Functional Chemicals, LLC, is not in compliance with Clean Air Act (CAA) requirements at its facility located at 13440 Highway 43 North, Axis, Alabama. Specifically, EPA is concerned about the Axis, Alabama facility's compliance with CAA Prevention of Significant Deterioration (PSD) requirements with respect to the projects of concern on Enclosure A. These projects concern physical changes and/or changes in the method of operation that resulted in emissions increases for the sulfuric acid plant at the Axis facility. The purpose of this letter is two-fold, to require Akzo Nobel to provide further information relating to the projects of concern, and second, to offer Akzo Nobel the opportunity to meet to discuss EPA's concerns relating to these projects.

Section 114(a) of the CAA, 42 U.S.C § 7414(a), authorizes the Administrator of the EPA to require any person who owns or operates an emission source, whom the Administrator believes may have information necessary for the purposes of Section 114(a), or who is subject to any requirement of the CAA, to provide such information as the Administrator may reasonably require for the purpose of carrying out any provision of the CAA. This authority has been duly delegated to the Director of the Air, Pesticides, and Toxics Management Division, Region 4.

Therefore, pursuant to Section 114(a), Akzo Nobel is directed to respond to the enclosed Information Request (Enclosure B) within thirty (30) days of receipt of this Section 114 Information Request. The EPA, for good cause shown, may extend the deadline for responding to the request. The response to the information requested must be accompanied by the enclosed Statement of Certification (Enclosure D), which is to be signed by a responsible official of Akzo Nobel. You should respond to this Information Request as completely as possible. The response must be delivered to the EPA or be postmarked no later than the above deadline. Send one complete copy of your response, including supporting documentation, to the following address:



**Nikki Radford  
Air Enforcement & Toxics Branch  
U.S. EPA, Region 4  
Atlanta Federal Center  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303**

**Under 40 C.F.R. Part 2, Subpart B, you may assert a business confidentiality claim covering part or all of the information you submit, other than emissions data and information or data that is otherwise publicly available, as described in 40 CFR 2.203(b). The page, paragraph, and sentence must be identified for any information subject to a claim of business confidentiality. If no business confidentiality claim accompanies the information when it is received by the EPA, the EPA may make the information available to the public without further notice. Enclosure C specifies the assertion and substantiation requirements for business confidentiality claims. Please note that if the EPA receives a Freedom of Information Act request for information you claim to be business confidential, or wants to determine whether such information is entitled confidential treatment, you will be required to bear the burden of substantiating your confidentiality claim. See 40 C.F.R. § 2.204(a) and (d). In those instances, you will be given an opportunity to submit comments on your claim by responding to 11 questions in Enclosure C. Your comments in response to these questions will be used by the EPA to determine whether the information has been shown to meet the requirements so as to be entitled to confidential treatment. Failure to submit your comments by the deadline in the letter will be regarded as a waiver of your confidentiality claim, and the EPA may release the information.**

**Failure to comply fully with this request for information is a violation of Section 114 of the CAA and could result in an enforcement action for the recovery of civil penalties not to exceed \$37,500 per day, per violation, or for injunctive relief or both. Section 113, 42 U.S.C. § 7413, of the CAA gives the EPA the authority to seek criminal penalties from any person who knowingly makes any false statement, representation, or certification in any report required under the CAA.**

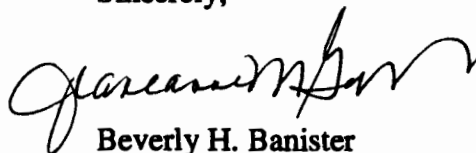
**This request is not subject to the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501 et seq., because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.**

**The second purpose of this letter is to offer Akzo Nobel an opportunity to meet and discuss the compliance issues identified in this letter, consistent with Region 4's longstanding practice. To ensure the effectiveness of the meeting, Akzo Nobel should come prepared to discuss all information it considered in developing emissions calculations and determining PSD applicability along with documentation to clarify the company's viewpoint. Please contact Nikki Radford, North Air Enforcement & Toxics Section at (404) 562-9099 within 14 days of receiving this letter if you would like to opportunity to meet with EPA. In addition, if you have any questions relating to this Information**



Request, you may consult with Nikki Radford at (404) 562-9099 or by email at [radford.nicole@epa.gov](mailto:radford.nicole@epa.gov) prior to the deadline for your response. Thank you for your cooperation in this matter.

Sincerely,



Beverly H. Banister  
Director  
Air, Pesticides & Toxics Management Division

cc: Mr. James A. Lofton  
U. S. Department of Justice

Ms. Katherine Rahill  
Akzo Nobel, Inc.

Mr. John Naron  
Akzo Nobel Functional Chemicals, LLC

cc w/o Enclosure A: Ron Gore  
Alabama Department of Environmental Management  
Division for Air Quality



## **ENCLOSURE A**

**THIS INFORMATION HAS BEEN CLAIMED TO CONTAIN CONFIDENTIAL BUSINESS INFORMATION AND IS BEING TREATED AS SUCH UNTIL A DETERMINATION BY EPA IS MADE**

### **Akzo Nobel Projects of Concern/Areas for Discussion**

**EPA would like to discuss the following projects for the Axis, Alabama facility:**

#### **Project 1 - Installation of a new external superheater at the sulfuric acid plant in 2000**

- A. Any and all emissions and production calculations associated with this project;
- B. Any and all correspondence with ADEM concerning this project, including calculations and project descriptions shared with ADEM; and
- C. The potential and actual emission changes (SO<sub>2</sub>, SO<sub>3</sub> and H<sub>2</sub>SO<sub>4</sub>) as a result of the 2000 project.

#### **Project 2 - Installation of a new converter and other equipment at the sulfuric acid plant in 2013**

- A. Any and all emissions and production calculations associated with this project;
- B. Any and all SO<sub>2</sub> modeling and ambient monitoring data for the sulfuric acid plant and Axis facility;
- C. Daily acid production data from February 12, 2013, to the present.
- D. Monthly acid production data from March 2013 to the present.
- E. SO<sub>2</sub> emissions data in tons on a monthly basis from March 2013 until the present.
- F. All recent stack test results from March 2013 until the present;
- G. The hourly measurement of each parameter monitored by the continuous emissions monitoring system (CEMS) each day since February 19, 2013; and
- H. The potential, projected actual, and actual emission changes (SO<sub>2</sub>, SO<sub>3</sub> and H<sub>2</sub>SO<sub>4</sub>) as a result of the 2013 project.





## **ENCLOSURE B INFORMATION REQUEST**

For purposes of this information request, the definitions set forth in Section II shall apply and should be considered carefully by you in preparing your responses.

### **I. INSTRUCTIONS:**

1. Please provide a separate narrative response to each question and subpart of a question set forth in this Information Request and precede each answer with the number of the question to which it corresponds.
2. If requested information or documents are not known or are not available to you at the time of your response to this Information Request, but later become known or available to you, you must supplement your response to the EPA. Moreover, should you find at any time after submission of your response that any portion is or becomes false, incomplete, or misrepresents the facts; you must provide the EPA with a corrected response as soon as possible.
3. Requested information can be submitted in electronic form if applicable.
4. Where specific information has not been memorialized in a document, but is nonetheless responsive to a Request, you must respond to the Request with a written response.
5. The information requested herein must be provided even though Akzo Nobel may contend that it includes possible confidential information or trade secrets. Please see Enclosure C for information on how to assert and substantiate a claim of business confidentiality. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you.
6. If information responsive to this Information Request is not in your possession, custody or control, then identify the person from whom such information may be obtained.
7. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.

### **II. DEFINITIONS:**

1. The term "you" or "Akzo Nobel" shall include Akzo Nobel Functional Chemicals, LLC, its parent corporation(s) and subsidiaries, the addressees of this Request, and the officers, managers, employees, contractors, trustees, partners, successors, assigns, and agents of the above corporations.
2. "Facility" means all physical structures and equipment owned and/or operated by Akzo Nobel, located at 13440 Highway 43 North, Axis, Alabama.
3. "Sulfuric Acid Plant" means all physical structures and equipment at the Facility that are used to produce sulfuric acid.



4. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
5. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.
6. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), the identity of the author, addressor, addressee(s) and/or recipient, and the substance or the subject matter.
7. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
8. The term "document" means any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hard copy, including any form or format of these; including (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure, notation, annotation, or the like on it, (c) attachments to or enclosures with any document, and (d) every document referred to in any other document.

### **III. INFORMATION REQUEST:**

You are hereby required, in accordance with Section 114(a) of the Act, 42 U.S.C. § 7414(a), to provide the following information for Akzo Nobel's Sulfuric Acid Plant in Axis, Alabama, to the extent you have not already provided it to Region 4.

1. With respect to project number 1 on Enclosure A:
  - A. Did you consider whether this project was subject to requirements of PSD, 42 U.S.C. § 7470-7479, and implementing regulations, before or during the project? If so, provide all documents related to this consideration.
  - B. Provide all emissions estimates/projections/calculations associated with this project;
  - C. Provide all documents relevant to the project's impact or potential impact on Sulfuric Acid Plant production;
  - D. Provide all documents relevant to problems with the equipment that was replaced;
  - E. Provide all documents relating to, and including, correspondence with Alabama Department of Environmental Management (ADEM), concerning this project, including calculations and project descriptions shared with ADEM;
  - F. Describe, and provide all documents relating to, the potential emissions changes in sulfur dioxide, sulfur trioxide and sulfuric acid mist (SO<sub>2</sub>, SO<sub>3</sub> and H<sub>2</sub>SO<sub>4</sub>, respectively) as a result of the project; and
  - G. Describe, and provide all documents relating to, actual emission changes in SO<sub>2</sub>, SO<sub>3</sub> and H<sub>2</sub>SO<sub>4</sub> after the project.



after the project.

2. With respect to project number 2 on Enclosure A:

- A. Did you consider whether this project was subject to requirements of PSD, 42 U.S.C. § 7470-7479, and implementing regulations? If so, provide all documents associated with such review.
- B. Provide all emissions estimates/projections/calculations associated with this project, including all information you considered relevant in developing such emissions estimates/projections/calculations;
- C. Provide all documents relating to, and including, correspondence with ADEM concerning this project, including calculations and project descriptions shared with ADEM;
- D. Provide all documents relevant to the project's impact or potential impact on Sulfuric Acid Plant production;
- E. Provide all SO<sub>2</sub> modeling and ambient monitoring data for the Sulfuric Acid Plant and/or the Axis Facility;
- F. Provide daily acid production data from February 12, 2013, to the present. Please, provide this information in electronic format that may be edited by a spreadsheet program such as Microsoft Excel;
- G. Provide monthly acid production data from March 2013 to the present. Please, provide this information in electronic format that may be edited by a spreadsheet program such as Microsoft Excel;
- H. Provide SO<sub>2</sub> emissions data in tons on a monthly basis from March 2013 until the present. Please, provide this information in electronic format that may be edited by a spreadsheet program such as Microsoft Excel;
- I. Provide all recent stack test results from March 2013 until the present;
- J. Provide the hourly measurement of each parameter monitored by the Continuous Emissions Monitoring system each day since February 19, 2013. Please provide this information in an electronic format that may be edited by a spreadsheet program such as Microsoft Excel or comparable software;
- K. Describe, and provide all documents related to, emission of SO<sub>2</sub>, SO<sub>3</sub> and H<sub>2</sub>SO<sub>4</sub> after the project;
- L. Provide all forecasts/estimates/projections of sulfuric acid sales from 2003 forward; and,
- M. Provide all forecasts/estimates/projections of sulfuric acid production from 2003 forward.



**ENCLOSURE C**  
**CONFIDENTIAL BUSINESS INFORMATION (CBI)**

**Assertion and Substantiation Requirements**

**I. ASSERTION REQUIREMENTS**

You may assert a business confidentiality claim covering part or all of the information you submit, other than emissions data and information or data that is otherwise publicly available, as described in 40 CFR 2.203(b). If no business confidentiality claim accompanies the information when it is received by EPA, EPA may make the information available to the public without further notice. To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document over which you make a claim of confidentiality should be marked by placing on or attaching to the information, at the time it is submitted to EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret" or "proprietary" or "business confidential" and a date if any when the information should no longer be treated as confidential. **You must be specific by page, paragraph, and sentence when identifying the information subject to your claim.** Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. Information covered by such a claim will be disclosed by the EPA only to the extent permitted and by means of the procedures set forth by Section 114(c) of the Clean Air Act (the Act), and 40 C.F.R. Part 2, Subpart B. The EPA will construe the failure to furnish a confidentiality claim with your response to the attached letter as a waiver of that claim, and the information may be made available to the public without further notice to you.

Please segregate personnel, medical and similar files from your responses and include that information on separate sheet(s) marked as "Personal Privacy Information" given that disclosure of such information to the general public may constitute an invasion of privacy.

**II. SUBSTANTIATION REQUIREMENTS**

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. Part 2, Subpart B. You bear the burden of substantiating your confidentiality claim and must satisfactorily show that disclosure of the information would be likely to cause substantial harm to your business' competitive position; that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; and that the information is not and has not been reasonably obtainable by legitimate means without your consent, among other things. Conclusory allegations will be given little or no weight.

Before EPA makes a final determination regarding your claim of confidentiality, pursuant to 40 C.F.R. Part 2, Subpart B, EPA will send you a letter asking you to substantiate fully your CBI claim by answering 11 questions. Your comments in response to these questions will be used by the EPA to determine whether the information has been shown to meet the requirements so as to be entitled to confidential treatment. You must provide EPA with a response within the number of days set forth in the EPA request letter. Failure to submit your comments within that time will be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information.





EPA will ask you to specify which portions of the information you consider confidential. You must be specific by page, paragraph, and sentence when identifying the information subject to your claim. Please note that if a page, document, group or class of documents claimed by you to be confidential contains a significant amount of information which the EPA determines is not confidential, your confidentiality claim regarding that page, document, group or class of documents may be denied. Any information not specifically identified as subject to a confidentiality claim may be disclosed without further notice to you. For each item or class of information that you identify as being confidential, EPA will ask you to answer the following questions, giving as much detail as possible, as conclusory allegations will be given little or no weight in EPA's determination:

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to the EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question #1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? If so, specify which.
5. Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
6. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
7. For each item or category of information claimed as confidential, explain with specificity why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
8. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, please explain whether the information is the kind that would customarily not be released to the public.
9. Whether you assert the information as voluntary or involuntary, please address why disclosure of the information would tend to lessen the availability to the EPA of similar information in the future.



10. If you believe any information to be (a) trade secret (s), please so state and explain the reason for your belief. Please attach copies of those pages containing such information with brackets around the text that you claim to be (a) trade secret (s).
11. Explain any other issue you deem relevant (including, if pertinent, reasons why you believe that the information you claim to be CBI is not emission data or effluent data).

Please note that emission data provided under Section 114 of the Act, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2. "Emission data" means, with reference to any source of emission of any substance into the air - (A) information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing; (B) information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including, to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and (C) a general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source). 40 C.F.R. §§ 2.301(a)(2)(i)(A), (B) and (C).

Information designated confidential will be disclosed by EPA only to the extent allowed by, and by means of the procedures set forth in, 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.



## **ENCLOSURE D**

This is to be signed and dated by a responsible official of Akzo Nobel.

### **STATEMENT OF CERTIFICATION**

I hereby certify that the foregoing responses and information provided to the EPA in response to its Clean Air Act, Section 114, Information Request were prepared under my direction or supervision and that I have personal knowledge of all matters set forth in the responses and the accompanying information or that I consulted with individuals having personal knowledge (note, please identify such individuals). I certify that the responses are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

---

Signature and Date

---

Printed Name and Title





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

APR 10 2015

UNITED PARCEL SERVICE

Mr. Timothy R. Whitaker  
Environmental Compliance Manager  
ISP Chemicals LLC (An Ashland Company)  
455 North Main Street  
Calvert City, Kentucky 42029

Dear Mr. Whitaker:

The purpose of this letter is to request information as part of an investigation by the U.S. Environmental Protection Agency to determine the compliance status of the ISP Chemicals LLC (ISP) plant located in Calvert City, Kentucky, with the Clean Air Act (CAA), 42 U.S.C. § 7401, *et seq.*, specifically with the wastewater provisions of the National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing, 40 CFR Part 63, Subpart FFFF, 40 C.F.R. §§ 63.2430-2550 (the MON), as well as other regulatory provisions. Section 114(a) of the CAA, 42 U.S.C. § 7414(a), authorizes the Administrator of the EPA to require any person who owns or operates an emission source, whom the Administrator believes may have information necessary for the purposes of Section 114(a), or who is subject to any requirement of the CAA, to provide such information as the Administrator may reasonably require for the purpose of carrying out any provision of the CAA. This authority has been duly delegated to the Director of the Air, Pesticides and Toxics Management Division Region 4.

Therefore, pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a), as amended, you are hereby required to respond to the Information Request enclosed herein as Enclosure B. The response to the information requested must be accompanied by the enclosed Statement of Certification (Enclosure C), which is to be signed by a responsible official of ISP. Submit your response within **thirty (30) days** of receipt of this letter to the following:

Air Enforcement & Toxics Branch  
U.S. Environmental Protection Agency  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303  
Attn: Sydnee Adams

Failure to provide the information required may result in the issuance of an order requiring compliance with the requirements contained herein or the initiation of a civil action pursuant to Section 113 of the CAA, 42 U.S.C. § 7413. This may include civil and/or administrative penalties of up to \$37,500 per day of noncompliance, pursuant to Sections 113(b) and (d) of the CAA, 42 U.S.C. § 7413(b) and (d).

Under 40 C.F.R. Part 2, Subpart B, you may assert a business confidentiality claim covering part or all of the information you submit, other than emissions data and information or data that is otherwise publicly available, as described in 40 CFR §§ 2.203(b), 2.301(a) and 2.301(e). The page, paragraph, and sentence must be identified for any information subject to a claim of business confidentiality.





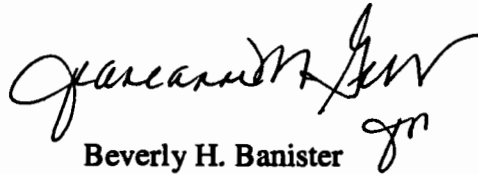
Requirements for asserting a claim of business confidentiality are described in Section A of Enclosure A. If no business confidentiality claim accompanies the information when it is received by the EPA, the EPA may make the information available to the public without further notice.

If a business confidentiality claim accompanies the information when it is received by the EPA, Section B of Enclosure A describes the confidential business information substantiation requirements you will be asked to comply with in the event that the EPA receives a Freedom of Information Act request or otherwise wants to determine whether such information is entitled confidential treatment. See 40 C.F.R. § 2.204. In those instances, you will be given an opportunity to submit comments on your claim by responding to eleven questions in Section B of Enclosure A. See 40 C.F.R. § 2.204(e)(4). Your comments in response to these questions will be used by the EPA to determine whether the information has been shown to meet the requirements so as to be entitled to confidential treatment. Failure to submit your comments by the deadline in the letter will be regarded as a waiver of your confidentiality claim, and the EPA may release the information.

This Information Request is not subject to the approval requirement of the Paperwork Reduction Act of 1980, 44 U.S.C. §3501 et seq.

If you have questions regarding this Information Request, please contact Ms. Sydnee Adams at (404) 562-9196.

Sincerely,

A handwritten signature in black ink, appearing to read "Beverly H. Banister", with a stylized flourish at the end.

Beverly H. Banister  
Director  
Air, Pesticides and Toxics Management Division

Enclosures

cc: Charles Stangle (w/enclosures)  
Supervisor  
Kentucky Division for Air Quality  
Paducah Regional Office



## ENCLOSURE A

### **Confidential Business Information (CBI) Assertion and Substantiation Requirements**

#### **A. Assertion Requirements**

You may assert a business confidentiality claim covering part or all of the information you submit, other than emissions data and information or data that is otherwise publicly available, as described in 40 CFR 2.203(b). If no business confidentiality claim accompanies the information when it is received by EPA, EPA may make the information available to the public without further notice. To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document over which you make a claim of confidentiality should be marked by placing on or attaching to the information, at the time it is submitted to EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret" or "proprietary" or "business confidential" and a date if any when the information should no longer be treated as confidential. **You must be specific by page, paragraph, and sentence when identifying the information subject to your claim.** Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. Information covered by such a claim will be disclosed by the EPA only to the extent permitted and by means of the procedures set forth by Section 114(c) of the Clean Air Act (the Act), and 40 C.F.R. Part 2, Subpart B. The EPA will construe the failure to furnish a confidentiality claim with your response to the attached letter as a waiver of that claim, and the information may be made available to the public without further notice to you.

Please segregate personnel, medical and similar files from your responses and include that information on separate sheet(s) marked as "Personal Privacy Information" given that disclosure of such information to the general public may constitute an invasion of privacy.

#### **B. Substantiation Requirements**

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. Part 2, Subpart B. **You bear the burden of substantiating your confidentiality claim** and must satisfactorily show that disclosure of the information would be likely to cause substantial harm to your business' competitive position; that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; and that the information is not and has not been reasonably obtainable by legitimate means without your consent, among other things. Conclusory allegations will be given little or no weight.

Before EPA makes a final determination regarding your claim of confidentiality, pursuant to 40 C.F.R. Part 2, Subpart B, EPA will send you a letter asking you to substantiate fully your CBI claim by answering 11 questions. Your comments in response to these questions will be used by the EPA to determine whether the information has been shown to meet the requirements so as to be entitled to confidential treatment. You must provide EPA with a response within the number of days set forth in the EPA request letter. Failure to submit your comments within that time will be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information.

EPA will ask you to specify which portions of the information you consider confidential. You must be specific by page, paragraph, and sentence when identifying the information subject to your claim. Please note that if a page, document, group or class of documents claimed by you to be confidential contains a significant amount of information which the EPA determines is not confidential, your confidentiality claim regarding that page, document, group or class of documents may be denied. Any



information not specifically identified as subject to a confidentiality claim may be disclosed without further notice to you. For each item or class of information that you identify as being confidential, EPA will ask you to answer the following questions, giving as much detail as possible, as conclusory allegations will be given little or no weight in EPA's determination:

- 1) For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
- 2) Information submitted to the EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question #1?
- 3) What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information be considered confidential?
- 4) Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? If so, specify which.
- 5) Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
- 6) Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
- 7) For each item or category of information claimed as confidential, explain with specificity why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
- 8) Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, please explain whether the information is the kind that would customarily not be released to the public.
- 9) Whether you assert the information as voluntary or involuntary, please address why disclosure of the information would tend to lessen the availability to the EPA of similar information in the future.
- 10) If you believe any information to be (a) trade secret (s), please so state and explain the reason for your belief. Please attach copies of those pages containing such information with brackets around the text that you claim to be (a) trade secret (s).
- 11) Explain any other issue you deem relevant (including, if pertinent, reasons why you believe that the information you claim to be CBI is not emission data or effluent data).

Please note that emission data provided under Section 114 of the Act, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2. "Emission data" means, with reference to any source of



emission of any substance into the air - (A) information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing; (B) information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including, to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and (C) a general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. §§ 2.301(a)(2)(i)(A), (B) and (C).

Information designated confidential will be disclosed by EPA only to the extent allowed by, and by means of the procedures set forth in, 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.





## **ENCLOSURE B**

### **Request to Provide Information**

For purposes of this information request, the definitions set forth in Section B shall apply and should be considered carefully by you in preparing your responses.

#### **A. INSTRUCTIONS:**

- 1) Please provide a separate narrative response to each question and subpart of a question set forth in this Information Request and precede each answer with the number of the question to which it corresponds.
- 2) If requested information or documents are not known or are not available to you at the time of your response to this Information Request, but later become known or available to you, you must supplement your response to the EPA. Moreover, should you find at any time after submission of your response that any portion is or becomes false, incomplete, or misrepresents the facts; you must provide the EPA with a corrected response as soon as possible.
- 3) Requested information can be submitted in electronic form if applicable.
- 4) Where specific information has not been memorialized in a document, but is nonetheless responsive to a Request, you must respond to the Request with a written response.
- 5) The information requested herein must be provided even though ISP may contend that it includes possible confidential information or trade secrets. Please see Enclosure A for information on how to assert and substantiate a claim of business confidentiality. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. You should read the regulations cited in Enclosure A carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.
- 6) If information responsive to this Information Request is not in your possession, custody or control, then identify the person from whom such information may be obtained.
- 7) If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.



## **B. DEFINITIONS:**

- 1) The term "you", "ISP Chemicals LLC", "the Facility" or "ISP" shall include ISP Chemicals LLC (An Ashland Company) its parent corporation(s) and subsidiaries, the addressees of this Request, and the officers, managers, employees, contractors, trustees, partners, successors, assigns, and agents of the above corporations.
- 2) "Facility" means the plant (including all physical structures) owned and/or operated by ISP, located at 455 North Main Street, Calvert City, Kentucky.
- 3) The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
- 4) The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.
- 5) The term "identify" means, with respect to a document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), the identity of the author, addressor, addressee(s) and/or recipient, and the substance or the subject matter.
- 6) The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
- 7) The term "document" shall include writings of any kind, formal or informal, whether or not wholly or partially in handwriting (including by way of illustration and not by way of limitation), any invoice, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, inter-office or intra-office communications, photostat or other copy of any documents, microfilm or other film record, photograph, sound recording on any type of device, punch card, disc or disc pack, tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use punch card, disc, disc pack, tape or the type of memory); including (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure, notation, annotation, or the like on it, drafts, (d) attachments to or enclosures with any document, and (e) every document referred to in any other document.
- 8) The term "closed-vent system" is defined in 40 CFR § 63.161.
- 9) The term "closed-loop system" is defined in 40 CFR § 63.161.
- 10) The term "Group 1 wastewater stream" is defined in 40 CFR § 63.2550.
- 11) The term "Group 2 wastewater stream" is defined in 40 CFR § 63.2550.



- 12) The term "miscellaneous organic chemical manufacturing process unit (MCPU)" is defined in 40 CFR § 63.2550.
- 13) The term "point of determination" is defined in 40 CFR § 63.2550.
- 14) The term "wastewater" is defined in 40 CFR § 63.2550.
- 15) The term "wastewater stream" is defined in 40 CFR § 63.2550.
- 16) The term "vent stream" is defined in 40 CFR § 63.111.
- 17) All terms not defined herein shall have their ordinary meaning, unless such terms are defined in the Clean Air Act, or the MON in which case the statutory and regulatory definitions shall apply.



## **INFORMATION REQUEST**

You are hereby required, in accordance with Section 114(a) of the Act, 42 U.S.C. § 7414(a), to provide the following information for the Facility in Calvert City, Kentucky.

### **MON Questions**

- 1) For each and every process at the Facility identify with specificity which processes are subject to the provisions of 40 CFR Part 63 Subpart FFFF (the MON), as well as those which are not subject. For those processes which are not subject to the provisions of 40 CFR Part 63 Subpart FFFF, provide the documentation which clearly demonstrates why those processes are not subject.
- 2) For all of the Facility operations, identify with specificity each and every miscellaneous organic chemical processing unit (MCPU) at the ISP Facility and identify the process with which it is associated. Each MCPU should be clearly identified by the name of the MCPU and/or a unique identification number.
- 3) Provide a complete list of the specific hazardous air pollutants (HAPS) addressed by Section 112 of the Clean Air Act that are associated with each MCPU and each stream (liquid, wastewater, vent, etc.).
- 4) For each and every MCPU at ISP, identify with specificity which MCPU's are subject to the provisions of 40 CFR Part 63 Subpart FFFF as well as those which are not subject. Also, identify each piece of equipment that is part of each MCPU. For the MCPU's which are not subject to the provisions of 40 CFR Part 63 Subpart FFFF, provide the documentation which clearly demonstrates why those MCPU's are not subject.
- 5) For each MCPU at the ISP Facility which is subject to the provisions of 40 CFR Part 63 Subpart FFFF, provide a detailed process flow diagram. The diagram must identify with specificity each and every piece of equipment in the MCPU, each and every inlet and outlet stream (liquid, wastewater, vent, etc.) associated with each piece of equipment including your identification of each point of determination (POD) per the regulations. Include in this diagram or in a separate diagram, the complete path of each wastewater stream from POD to its final destination. The diagram should also differentiate between liquid streams and vent streams, and must identify each and every wastewater stream, and liquid stream in open systems. Each stream should be clearly identified by the name of the stream and/or a unique identification number of the stream by MCPU. Include with this response, the date of construction and commencement date of each MCPU and its associated ancillary equipment.
- 6) For each wastewater stream and liquid stream identified in item 5 above, clearly specify which streams are subject to the provisions of 40 CFR § 63.2485(a) through (o) and the requirements of Table 7 of Subpart FFFF as well as those which are not subject. For those wastewater streams and liquid streams which are not subject to the provisions of 40 CFR § 63.2485(a) through (o) and the requirements of Table 7 of Subpart FFFF, provide the documentation which clearly demonstrates why those streams are not subject.
- 7) For each wastewater stream and liquid stream identified in item 6 above, provide complete documentation, including applicable dates (e.g. initial compliance date, date that ISP became subject to this rule), diagrams, calculations, and compliance demonstration verification data as well as sampling and analytical results and testing methodologies, which clearly demonstrates the





compliance or non-compliance of each stream and how it was determined with regard to the provisions of 40 CFR § 63.2485(a) through (o) and the requirements of Table 7 of Subpart FFFF and the provisions of 40 CFR Part 63 Subparts F and G as applicable. In other words, clearly specify by regulatory citation from 40 CFR § 63.2485(a) through (o) and Table 7 of Subpart FFFF and from 40 CFR Part 63 Subparts F and G each provision of these regulations for which each stream is demonstrating compliance. For those situations where the applicable regulations offer compliance options and/or control options, identify which compliance and/or control option was selected for each Group 1 stream and which standard(s) is being met and match that information to the above requested compliance demonstration verification data. As a part of this documentation, clearly identify which streams are classified as Group 1 and which streams are classified as Group 2 and which streams contain residuals from Group 1 wastewater.

- 8) For each wastewater stream and liquid stream identified in item 7 above, please provide the documentation which ISP has historically relied upon and currently relies upon to verify and justify why and how the streams are classified as either Group 1 or Group 2. This information should include when these classifications were made. With regard to any streams which have previously been classified as Group 2 streams, please identify all process changes that were made which would have called for a re-determination of group status as described in 40 CFR § 63.132(c)(3) and 63.132(d)(3). Such process changes would include, but not be limited to, changes in production capacity, production rate, feedstock type, or whenever there is a replacement, removal, or addition of recovery or control equipment. Also, provide the re-determination documentation. In addition, please identify all process changes that were made which would not have called for a re-determination of group status.
- 9) For each Group 2 wastewater stream and liquid stream identified in item 7 above or any other wastewater stream or liquid stream that may be excluded from Subpart FFFF, please provide any sampling and analytical data that has been collected by ISP in the last five years.
- 10) For each wastewater stream and liquid stream identified in item 5 above and not also identified in item 9 above, clearly specify and provide the reasons and documentation supporting why those streams are not subject to any of the provisions of 40 Part CFR 63.2485.
- 11) For each and every wastewater stream and liquid stream identified in item 6 above, provide a detailed discussion of how the company is treating each and every wastewater stream and liquid stream.
- 12) For each wastewater treatment system, provide a detailed discussion of how the wastewater treatment system operates. This should include a treatment system diagram, a list of all inlet streams to the treatment system, a list of outlet streams from the treatment system, a description on how the company monitors the treatment system to ensure it is operating properly, a complete copy of the treatment system test plan, and a complete copy, including attachments, of the initial compliance demonstration report.
- 13) As defined and regulated in 40 CFR Part 63 Subpart G, provide a complete list, by name and/or unique identification number, of the wastewater tanks, surface impoundments, containers, individual drain systems, oil-water separators, junction boxes, sumps, and lift stations contained within each process. Also, clearly show where each of these appears within each MCPU on the diagrams requested in item 5 above.
- 14) For each process and for each MCPU, provide the date that each one began operation.



- 15) Provide a copy of the Precompliance Report that has been prepared and submitted by ISP pursuant to 40 CFR § 63.2520(c). Provide a copy of the Notice of Compliance Status Report that has been prepared and submitted by ISP pursuant to 40 CFR § 63.2520(d).

**Equipment Specific Questions**

**NILS**

- 16) Provide the installation date, dimensions, capacity and the expanded definition (including origin) of the "NILS" as in NILS105. Describe its function, purpose and operational parameters. Include a list of the streams that are charged to the NILS and describe how they enter it (individually, co-mingled, top fill, submerged fill, etc.). Include a list of the streams that depart from the NILS and describe how they exit it (individually, co-mingled, etc.) Identify the origin of each stream entering and the destination of each stream departing the NILS. Also, provide the temperature of each stream as it enters and exits the NILS.
- 17) Describe in detail the flow rates into and out of the NILS for each and every stream identified in 16 above. Provide the typical flow rate range of each and every stream to/from the NILS, under normal operating conditions. Describe in detail how the liquid level of the NILS is monitored and maintained, including a description of the equipment utilized in the process. Describe the ongoing level conditions in the NILS, if the level in the NILS remains at a steady state or if it fluctuates. Include the sequencing of events that take place to control the level in the NILS. If this is an automatic process, describe all of the equipment and how it operates together.
- 18) Describe in detail any occasion within the last 5 years where the level controls have failed and/or the NILS has overflowed. Include incident reports with corrective actions describing the chain of events. Provide information regarding the quantity spilled, destination, and the composition (including any HAPS) of the overflowed wastewater.
- 19) If any possible overflowed wastewater from the NILS goes to a trench or to a surface impoundment, describe the design of this wastewater overflow handling system. Identify all streams, including their origin, that enter the surface impoundment. Identify the surface impoundment by applicable name, number, etc.
- 20) Describe the activities that take place in the NILS. For example, is it agitated, heated, or sparged? Are any chemicals added to the NILS?
- 21) Provide a chemical analysis with concentrations of the contents of the NILS. Also, provide the vapor pressure of the contents along with an emissions calculation of the compounds that are released into the atmosphere.
- 22) Provide a list and description of all the openings and/or vents on the NILS. Include manufacturer and model numbers of the vents.

**Transfer Tank (TT)**

- 23) Provide the installation date, dimensions, capacity and the expanded definition (including origin) of the TT. Describe its function, purpose and operational parameters. Include a list of the streams that are charged to the TT and describe how they enter it (individually, co-mingled, top fill, submerged fill, etc.). Include a list of the streams that depart from the TT and describe how they exit it



(individually, co-mingled, etc.) Identify the origin of each stream entering and the destination of each stream departing the TT. Also, provide the temperature of each stream as it enters and exits the TT.

- 24) Describe in detail the flow rates into and out of the TT for each and every stream identified in 23 above. Provide the typical flow rate range of each and every stream to/from the TT, under normal operating conditions. Describe in detail how the liquid level of the TT is monitored and maintained, including a description of the equipment utilized in the process. Describe the ongoing level conditions in the TT, if the level in the TT remains at a steady state or if it fluctuates. Include the sequencing of events that take place to control the level in the TT. If this is an automatic process, describe all of the equipment and how it operates together.
- 25) Describe in detail any occasion within the last 5 years where the level controls have failed and/or the TT has overflowed. Include incident reports with corrective actions describing the chain of events. Provide information regarding the quantity spilled, destination, and the composition (including any HAPS) of the overflowed wastewater.
- 26) If any possible overflowed wastewater from the TT goes to a trench or to a surface impoundment, describe the design of this wastewater overflow handling system. Identify all streams, including their origin, that enter the surface impoundment. Identify the surface impoundment by applicable name, number, etc.
- 27) Describe the activities that take place in the TT. For example, is it agitated, heated, or sparged? Are any chemicals added to the TT?
- 28) Provide a chemical analysis with concentrations of the contents of the TT. Also, provide the vapor pressure of the contents along with an emissions calculation of the compounds that are released into the atmosphere.
- 29) Provide a list and description of all the openings and/or vents on the TT. Include manufacturer and model numbers of the vents.

#### **Equalization Tank (EQ)**

- 30) Provide the installation date, dimensions, capacity and the expanded definition (including origin) of the EQ. Describe its function, purpose and operational parameters. Include a list of the streams that are charged to the EQ and describe how they enter it (individually, co-mingled, top fill, submerged fill, etc.) Include a list of the streams that depart from the EQ and describe how they exit it (individually, co-mingled, etc.) Identify the origin of each stream entering and the destination of each stream departing the EQ. Also, provide the temperature of each stream as it enters and exits the EQ.
- 31) Describe in detail the flow rates into and out of the EQ for each and every stream identified in 30 above. Provide the typical flow rate range of each and every stream to/from the EQ, under normal operating conditions. Describe in detail how the liquid level of the EQ is monitored and maintained, including a description of the equipment utilized in the process. Describe the ongoing level conditions in the EQ, if the level in the EQ remains at a steady state or if it fluctuates. Include the sequencing of events that take place to control the level in the EQ. If this is an automatic process, describe all of the equipment and how it operates together.
- 32) If applicable, describe in detail any occasion within the last 5 years where the level controls have failed and/or the EQ has overflowed. Include incident reports with corrective actions describing the chain of



events. Provide information regarding the quantity spilled, destination, and the composition (including any HAPS) of the overflowed wastewater.

- 33) If any possible overflowed wastewater from the EQ goes to a trench or to a surface impoundment, describe the design of this wastewater overflow handling system. Identify all streams, including their origin, that enter the surface impoundment. Identify the surface impoundment by applicable name, number, etc.
- 34) Describe the activities that take place in the EQ. For example, is it agitated, heated, or sparged? Are any chemicals added to the EQ?
- 35) Provide a chemical analysis with concentrations of the contents of the EQ. Also, provide the vapor pressure of the contents along with an emissions calculation of the compounds that are released into the atmosphere.
- 36) Provide a list and description of all the openings and/or vents on the EQ. Include manufacturer and model numbers of the vents.

#### **MVE**

- 37) Provide the installation date, dimensions, capacity and the expanded definition (including origin) of the "MVE" as in MVE332. Describe its function, purpose and operational parameters. Include a list of the streams that are charged to the MVE and describe how they enter it (individually, co-mingled, top fill, submerged fill, etc.). Include a list of the streams that depart from the MVE and describe how they exit it (individually, co-mingled, etc.) Identify the origin of each stream entering and the destination of each stream departing the MVE. Also, provide the temperature of each stream as it enters and exits the MVE.
- 38) Describe in detail the flow rates into and out of the MVE for each and every stream identified in 37 above. Provide the typical flow rate range of each and every stream to/from the MVE, under normal operating conditions. Describe in detail how the liquid level of the MVE is monitored and maintained, including a description of the equipment utilized in the process. Describe the ongoing level conditions in the MVE, if the level in the MVE remains at a steady state or if it fluctuates. Include the sequencing of events that take place to control the level in the MVE. If this is an automatic process, describe all of the equipment and how it operates together.
- 39) If applicable, describe in detail any occasion within the last 5 years where the level controls have failed and/or the MVE has overflowed. Include incident reports with corrective actions describing the chain of events. Provide information regarding the quantity spilled, destination, and the composition (including any HAPS) of the overflowed wastewater.
- 40) If any possible overflowed wastewater from the MVE goes to a trench or to a surface impoundment, describe the design of this wastewater overflow handling system. Identify all streams, including their origin, that enter the surface impoundment. Identify the surface impoundment by applicable name, number, etc.
- 41) Describe the activities that take place in the MVE. For example, is it agitated, heated, or sparged? Are any chemicals added to the MVE?





- 42) Provide a chemical analysis with concentrations of the contents of the MVE. Also, provide the vapor pressure of the contents along with an emissions calculation of the compounds that are released into the atmosphere.
- 43) Provide a list and description of all the openings and/or vents on the MVE. Include manufacturer and model numbers of the vents.
- 44) Describe in detail how ISP is complying with 40 CFR § 63.136 (b), (c), and (d) or with paragraphs (e), (f), and (g) per 40 CFR § 63.136 (a). Include with specificity how each requirement is met.
- 45) In an email dated February 6, 2013, Tim Whitaker indicated that a vent line was installed to comply with 40 CFR § 63.136(e)(2)(ii)(A). Provide a detailed description of how this complies with all of the requirements of 40 CFR § 63.136(e), (f), and (g). Include a plan and elevation schematic showing the location of the drain, water seal, junction box, vent pipe, etc.

**Surface Impoundment**

- 46) For each surface impoundment at the Facility, please identify and describe any associated cover, closed-vent system, and/or control device.

**Benzene Waste Operations**

- 47) Provide ISP's initial report that summarizes the regulatory status of each waste stream subject to 40 CFR § 61.342 and is determined by the procedures in 40 CFR § 61.355(c) to contain benzene per 40 CFR § 61.357(a).

**Surface Water Runoff**

- 48) Characterize the management, collection, and destination of all ISP's surface water runoff. Include a diagram showing how ISP manages the surface water runoff.



## **ENCLOSURE C**

This is to be signed and dated by a duly authorized official of ISP Chemicals LLC

### **STATEMENT OF CERTIFICATION**

I hereby certify that the foregoing responses and information provided to the EPA in response to its Clean Air Act, Section 114, Information Request were prepared under my direction or supervision and that I have personal knowledge of all matters set forth in the responses and the accompanying information or that I consulted with individuals having personal knowledge (note, please identify such individuals). I certify that the responses are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

---

Signature and Date

---

Printed Name and Title



13



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

MAY 22 2015

**UNITED PARCEL SERVICE**  
**EMAIL VERIFICATION REQUESTED**

Mr. Greg Robbins  
President  
Gas Processors, Inc.  
214 South High School Avenue  
Columbia, Mississippi 39429

Dear Mr. Robbins:

Pursuant to Section 114(a)(1) of the Clean Air Act (the Act), 42 U.S.C. § 7414(a)(1), you are hereby requested to provide the U. S. Environmental Protection Agency with information relating to the Gas Processors, Inc., (Gas Processors) facility located in Atmore, Alabama. This information is needed to determine whether Gas Processors is in compliance with requirements of the Act and its implementing regulations. Section 114(a) of the Act, 42 U.S.C. § 7414(a), authorizes the Administrator of the EPA to require any person who owns or operates an emission source, whom the Administrator believes may have information necessary for the purposes set forth in Section 114(a), or who is subject to any requirement of the Act, to provide such information as the Administrator may reasonably require for the purpose of carrying out any provision of the Act. This authority has been duly delegated to the Director of the Air, Pesticides and Toxics Management Division, Region 4.

Please review and follow the instructions in and, where required, complete the following enclosures: Instructions (Enclosure 1), Definitions (Enclosure 2), Claiming Confidentiality (Enclosure 3), Questions (Enclosure 4), and Statement of Certification (Enclosure 5).

The requested information shall be submitted to the EPA per Enclosure 1. The responses shall be submitted **no later than thirty (30) calendar** days after Gas Processors' receipt of this letter as determined by the date of the Email Verification. This information must be submitted to the following individual:

Mr. Denis B. Kler  
APTMD/AETB  
U.S. EPA Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303

Failure to provide the information required by this letter is a violation of the Act and may result in one or more of the following actions: (1) issuance of an order requiring compliance with this request; (2) issuance of an administrative penalty order pursuant to Section 113(d) of the Act, 42 U.S.C. § 7413(d); (3) commencement of a civil action in accordance with Sections 113(b) and 305 of the Act, 42 U.S.C. §§ 7413(b) and 7605; and/or (4) any other action authorized under the Act.



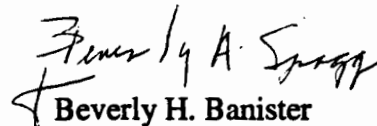
Under Section 114(c) of the Act, 42 U.S.C. § 7414(c), and pursuant to the regulations found at 40 C.F.R. Part 2, Subpart B, including 40 C.F.R. § 2.301, you are entitled to assert a claim of business confidentiality for any information you provide to the EPA that involves trade secrets and which Gas Processors regards as confidential business information (CBI). For such information, you may request that the EPA treat such information as confidential. Any such claim of confidentiality must conform to the requirements of 40 C.F.R. § 2.203(b). Note that "emission data," as defined by 40 C.F.R. § 2.301(a)(2), cannot be claimed as confidential under Section 114(c) of the Act, 42 U.S.C. § 7414(c). For detailed instructions for claiming confidentiality, please see Enclosure 3. Information you supply under a claim of confidentiality will be treated as CBI to the degree determined appropriate according to the regulations. Unless Gas Processors asserts a confidentiality claim at the time the requested information is submitted, the EPA may make the information available to the public without further notice to you. Please note that any confidentiality claim does not obviate the need to send that portion of the response to the EPA.

The response to the information requested must be accompanied by the enclosed Statement of Certification, which is to be signed and dated by a responsible official of Gas Processors. This statement certifies that the response submitted to the EPA is complete and contains all documents and information responsive to this request that are known to you, following a complete and thorough review of all information and sources available to you. Please see Enclosure 5 for a Statement of Certification template for Gas Processors' use.

This request is not subject to the Paperwork Reduction Act, 44 U.S.C. §§ 3501 – 3520, because it seeks information from specific individuals or entities as part of an investigation.

If you have any questions regarding this matter, please contact Mr. Denis B. Kler at (404) 562-9199.

Sincerely,



Beverly H. Banister  
Director

Air, Pesticides and Toxics Management Division

Enclosures: 1 – Instructions  
2 – Definitions  
3 – Claiming Confidentiality  
4 – Questions  
5 – Statement of Certification

cc: Ron Gore, ADEM





## **ENCLOSURE 1**

### **Instructions**

Each of the following instructions applies to each and every question contained in Enclosure 4.

1. If the company has no responsive information or documents pertaining to a particular question, submit an affirmative statement and explanation.
2. If your response to a particular question requires a scanned or hardcopy document, you must identify the filename or document title. Make sure to correlate any hardcopy or scanned documents to a specific question. If a document is responsive to more than one question, this must be so indicated and only one copy of the document needs to be provided.
3. The company may choose to either submit documents in .pdf format or submit documents as hard copy documents. However, electronic submissions are preferred. Should the company choose to provide .pdf electronic documents, do not create separate .pdf files for each page of a single document.
4. Identify each person whom you relied on or consulted with in preparing your responses to each question of this information request. Provide their name, title, job duties and duration of employment with the company. If they are not an employee of the company, identify their employer and provide their name, title, job duties and duration of employment with their employer.
5. Identify each document consulted, examined, or referred to in the preparation of your response or that contains information responsive to the question, and provide a true and correct copy of each such document if not provided in response to another specific question. Indicate on each document produced in response to this information request the number of the question to which it corresponds.
6. If requested information or documents are not known or are not available to you at the time of your response to this information request, but later become known or available to you, you must supplement your response to the EPA within 30 calendar days of discovery of the responsive information. Moreover, should you find at any time after submission of your response that any portion is or becomes false, incomplete or misrepresents the facts, you must provide the EPA with a corrected response as soon as possible.
7. Provide a separate response to each and every question, and each and every subpart of a question.



## **ENCLOSURE 2**

### **Definitions**

1. The terms **"document"** and **"writing"** and the plural forms thereof shall mean all written, recorded or graphic matters, however produced or reproduced, of every kind and description, pertaining in any way to the subject matter of this request, and which are in the company's possession, custody or control or to which the company has or has had access. The terms **"document"** and **"writing"** shall include, but are not limited to: any receipts; invoices; shipping records; purchase orders; purchase records; books; pamphlets; periodicals; memoranda (including those of telephone or oral conversations); contracts; correspondence; agreements; applications; financial records; security instruments; disbursements; checks; bank statements; time records; accounting or financial records; notes; diaries; logs; facsimiles (faxes); telegrams or cables prepared, drafted, received or sent; electronic mail (email), whether drafted, received or sent; tapes; transcripts; recordings; minutes and notes of meetings; directives; work papers; charts; drawings; prints; flow sheets; photographs; infrared camera recordings; film; computer printouts; x-ray photographs; advertisements; catalogs; data; sampling reports, plans, protocols, reports, analyses; or any handwritten, recorded, transcribed punched, taped, filmed or graphic matter, however produced or reproduced.
2. The terms **"person"** or **"persons"** shall have the meaning set forth in Section 302(e) of the Act, 42 U.S.C. § 7602(e), and includes an individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency, department, or instrumentality of the United States and any officer, agent or employee thereof.
3. The terms **"relate to"** or **"pertain to"** (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.
4. The terms **"you"** and/or **"your"** shall mean the company, and all its agents, employees, representatives, investigators, accountants, auditors, attorneys, experts, consultants, and contractors. These terms shall also mean any others who are not listed above and are in possession, custody, or control (actual or constructive) of information relevant to this request or information that is otherwise available to Gas Processors, or who may have obtained information for or on behalf of Gas Processors.

All terms not defined in this enclosure have their ordinary meaning, unless such terms are defined in the Clean Air Act and/or its implementing regulations, and in which case the statutory and/or regulatory definitions apply. Words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions. The terms **"and"** and **"or"** shall be construed either conjunctively or disjunctively as necessary to bring within the scope of this information request any information which might otherwise be construed to be outside its scope.



### **ENCLOSURE 3**

#### **Confidential Business Information (CBI) Assertion and Substantiation Requirements**

##### **A. Assertion Requirements**

You may assert a business confidentiality claim covering part or all of the information, other than emissions data and information or data that is otherwise publicly available, as described in 40 C.F.R. § 2.203(b). If no business confidentiality claim accompanies the information when it is received by the EPA, the EPA may make the information available to the public without further notice. To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document over which you make a claim of confidentiality should be marked by placing on or attaching to the information, at the time it is submitted to the EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret" or "proprietary" or "business confidential" and a date if any when the information should no longer be treated as confidential. **You must be specific by page, paragraph, and sentence when identifying the information subject to your claim.** Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. Information covered by such a claim will be disclosed by the EPA only to the extent permitted and by means of the procedures set forth by Section 114(c) of the Clean Air Act (the Act), and 40 C.F.R. Part 2, Subpart B. The EPA will construe the failure to furnish a confidentiality claim with your comments on the draft inspection report as a waiver of that claim, and the information may be made available to the public without further notice to you.

##### **B. Substantiation Requirements**

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. Part 2, Subpart B. You bear the burden of substantiating your confidentiality claim and must satisfactorily show that disclosure of the information would be likely to cause substantial harm to your business' competitive position; that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; and that the information is not and has not been reasonably obtainable by legitimate means without your consent, among other things. Conclusory allegations will be given little or no weight.

Before the EPA makes a final determination regarding your claim of confidentiality, pursuant to 40 C.F.R. Part 2, Subpart B, EPA will send you a letter asking you to substantiate fully your CBI claim by answering 11 questions. Your comments in response to these questions will be used by the EPA to determine whether the information has been shown to meet the requirements so as to be entitled to confidential treatment. You must provide the EPA with a response within the number of days set forth in the EPA request letter. Failure to submit your comments within that time will be regarded as a waiver of your confidentiality claim or claims, and the EPA may release the information.

EPA will ask you to specify which portions of the information you consider confidential. You must be specific by page, paragraph, and sentence when identifying the information subject to your claim. Please note that if a page, document, group or class of documents claimed by you to be confidential contains a significant amount of information which the EPA determines is not confidential, your confidentiality claim regarding that page, document, group or class of documents may be denied. Any information not specifically identified as subject to a confidentiality claim may be disclosed without further notice to you. For each item or class of information that you identify as being confidential, the



EPA will ask you to answer the following questions, giving as much detail as possible, as conclusory allegations will be given little or no weight in the EPA's determination:

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to the EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question #1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? If so, specify which.
5. Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
6. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
7. For each item or category of information claimed as confidential, explain with specificity why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
8. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, please explain whether the information is the kind that would customarily not be released to the public.
9. Whether you assert the information as voluntary or involuntary, please address why disclosure of the information would tend to lessen the availability to the EPA of similar information in the future.
10. If you believe any information to be (a) trade secret (s), please so state and explain the reason for your belief. Please attach copies of those pages containing such information with brackets around the text that you claim to be (a) trade secret (s).
11. Explain any other issue you deem relevant (including, if pertinent, reasons why you believe that the information you claim to be CBI is not emission data or effluent data).

Please note that emission data provided under Section 114 of the Act, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2. "Emission data" means, with reference to any source of emission of any substance into the air - (A) information necessary to determine the identity, amount,





frequency, concentration, or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing; (B) information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including, to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and (C) a general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).  
40 C.F.R. §§ 2.301(a)(2)(i)(A), (B) and (C).

Information designated confidential will be disclosed by the EPA only to the extent allowed by, and by means of the procedures set forth in, 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.



## **ENCLOSURE 4**

### **Information Request Questions**

Provide the following information using the instructions and definitions provided in Enclosures 1 and 2. A response must be sent to the EPA no later than thirty (30) calendar days after Gas Processors receives this request.

1. During EPA's on-site evaluation on August 26, 2014, the plant representative stated that the plant was not in operation because the company was replacing rented process equipment with equipment owned by the company. Provide a list of each piece of equipment that was installed to replace the rented process equipment, the date the replacement equipment was manufactured, and the design capacity of the replacement equipment. If any of the replacement equipment was relocated from another facility, then provide a list of equipment that was relocated to the Atmore facility, and where the equipment was relocated from.
2. Pertaining to the equipment change-out in Question 1, provide the date when the plant was shut-down, and the date the plant was placed back into operation. Also provide the date and the duration of time for any period during the shutdown that the plant was in partial or temporary operation where gas was received from the neighboring facility.
3. Provide a list of all sources that vent to or have the potential to vent to the flare.
4. Provide copies of any extended laboratory analysis conducted from January 1, 2013 to present of the acid gas vent stream sent to the flare. If no analysis is available during the specified time period, then provide a copy of the most recent analysis. With each analysis submitted, provide the method used to take the sample, the method used to analyze the sample, and the daily production data during the sampling event.
5. Provide complete copies of the records of the gas flow rate (standard cubic feet/day) for each stream sent to the flare from January 1, 2013 to present.
6. Provide complete copies of the hydrogen sulfide sampling data (mole percent) from January 1, 2013 to present of the plant inlet sour gas stream sent to the flare. With each analysis submitted, provide the method used to take the gas sample, the method used to analyze the gas sample, and the daily production data during the sampling event.
7. Provide complete copies of the British Thermal Units (BTU) content, molecular weight, and volatile organic compounds (VOC, weight percent) sampling data from January 1, 2013 to present of the plant inlet sour gas stream sent to the flare. With each analysis submitted, provide the method used to take the gas sample, the method used to analyze the gas sample, and the daily production data during the sampling event.
8. Provide complete copies of the hydrogen sulfide sampling data (mole percent) for the acid gas stream from the amine sweetening unit sent to the flare for the time period of January 1, 2013 to present. With each analysis submitted, provide the method used to take the gas sample, the method used to analyze the gas sample, and the daily production data during the sampling event.



9. Provide complete copies of the BTU content, molecular weight and VOC (weight percent) sampling data for the acid gas stream from the amine sweetening unit sent to the flare for the time period of January 1, 2013 to present. With each analysis submitted, provide the method used to take the gas sample, the method used to analyze the gas sample, and the daily production data during the sampling event.
10. Provide complete copies of the hydrogen sulfide sampling data (mole percent) for the any other process stream sent to the flare for the time period of January 1, 2013 to present. With each analysis submitted, provide the method used to take the gas sample, the method used to analyze the gas sample, and the daily production data during the sampling event. If no sampling was conducted, then provide copies of any engineering analysis that were completed.
11. Provide complete copies of the BTU content, molecular weight and VOC (weight percent) sampling data for any other process stream sent to the flare from January 2013 to present. With each analysis submitted, provide the method used to take the gas sample, the method used to analyze the gas sample, and the daily production data during the sampling event.
12. Provide copies of any existing extended laboratory analysis of a pressurized liquid sample of the liquid leaving the separator and prior to the water scrubber. With each set of sampling results submitted, the company must provide the method used to collect the sample (if the sampling method is something other than GPA method 2174, then the company must provide justification for why the chosen method was more appropriate); the method used to analyze the sample (if the analytical method is something other than GPA method 2186, then the company must provide justification for why the chosen method was more appropriate); the operating temperature and pressure of the separator; the operating temperature and pressure of the water scrubber; the total gas, produced water, natural gas liquids, and condensates produced during the sampling event; and the total gas, produced water, natural gas liquids, and condensates produced during the six days prior to the sampling event. Also, include with the results a block flow diagram identifying where the sample was collected, showing each stream entering and exiting the separator and the water scrubber and where each stream comes from and goes to that is associated with the separator and the water scrubber. However, if no sampling data is available, then pursuant to Section 114 of the Act, the company is hereby required to collect a sample using appropriate industry accepted methods such as GPA method 2174, and the company must analyze the sample using an appropriate industry accepted method such as GPA method 2186. If the company does not use GPA methods 2174 and 2186 for sample collection and analysis, respectively, the company must provide justification for why the chosen methods were more appropriate.
13. Provide copies of any existing extended laboratory analysis of a pressurized liquid sample of the liquid leaving the water scrubber and prior to the condensate storage tank. With each set of sampling results submitted, the company must provide the method used to collect the sample (if the sampling method is something other than GPA method 2174, then the company must provide justification for why the chosen method was more appropriate); the method used to analyze the sample (if the analytical method is something other than GPA method 2186, then the company must provide justification for why the chosen method was more appropriate); the operating temperature and pressure of the water scrubber; the operating temperature and pressure of the condensate storage tank; the total gas, produced water, natural gas liquids, and condensates produced during the sampling event; and the total gas, produced water, natural gas liquids, and condensates produced



during the six days prior to the sampling event. Also, include with the results a block flow diagram identifying where the sample was collected, showing each stream entering and exiting the separator and the water scrubber and where each stream comes from and goes to that is associated with the water scrubber and the condensate storage tank. However, if no sampling data is available, then pursuant to Section 114 of the Act, the company is hereby required to collect a sample using appropriate industry accepted methods such as GPA method 2174, and the company must analyze the sample using an appropriate industry accepted method such as GPA method 2186. If the company does not use GPA methods 2174 and 2186 for sample collection and analysis, respectively, the company must provide justification for why the chosen methods were more appropriate.

14. Provide copies of any existing extended laboratory analysis of a pressurized liquid sample of the water leaving the water scrubber and prior to the produced water storage tank. With each set of sampling results submitted, the company must provide the method used to collect the sample and the reason for selecting the sampling method; the method used to analyze the sample and the reason for selecting the analytical method; the operating temperature and pressure of the water scrubber; the temperature and operating pressure of the produced water storage tank; the total gas, produced water, natural gas liquids, and condensates produced during the sampling event; and the total gas, produced water, natural gas liquids, and condensates produced during the six days prior to the sampling event. Also, include with the results a block flow diagram identifying where the sample was collected, showing each stream entering and exiting the separator and the water scrubber and where each stream comes from and goes to that is associated with the water scrubber and the produced water storage tank. However, if no sampling data is available, then pursuant to Section 114 of the Act, the company is hereby required to collect a sample using appropriate industry accepted methods, and the company must analyze the sample using an appropriate industry accepted method. The company must provide justification for why the chosen methods were more appropriate.
15. Does the liquid in the produced water tank separate into an organic layer and water layer? If so, provide a narrative of what happens to the organic layer in the storage tanks, and a narrative of what happens to the produced water in the storage tank.
16. Provide copies of any extended laboratory analysis of the organic layer that separates in the produced water storage tank. With each sample provide the method used to take the liquid sample, and the method used to analyze the liquid sample.
17. Provide copies of any results of volatile organic compound analysis on the water in the produced water storage tank. With each sample provide the method used to take the liquid sample, and the method used to analyze the liquid sample.
18. Provide monthly data of gas coming into the plant (standard cubic feet per month) from January 1, 2013, to present.
19. Provide monthly data of oil throughput (in barrels) from January 1, 2013, to present for each condensate storage tank at the site.
20. Provide monthly data of produced water generated on-site (in barrels) from January 1, 2013, to present.





21. Provide monthly data of natural gas liquids throughput (in barrels) from January 1, 2013, to present for each storage tank at the site.
22. Provide monthly data of sales gas leaving the plant (standard cubic feet per month) from January 1, 2013, to present.
23. Provide the normal operating pressures (psia) ranges for:
  - a. inlet sour gas stream;
  - b. inlet separator;
  - c. water scrubber;
  - d. condensate tank;
  - e. amine contactor;
  - f. natural gas liquid storage tank;
  - g. refrigeration system;
  - h. dehydration system; and
  - i. sales gas outlet.
24. Provide complete copies of the monthly flare hydrogen sulfide emissions (pounds/month), monthly VOC emissions (pounds/month), monthly carbon monoxide emissions (pounds/month), and monthly sulfur dioxide emissions (pounds/month) from January 2013 to present. Also, provide a discussion on how each of the monthly emissions are calculated, including but not limited to, a discussion of flow rate measurements and the basis of the emission factors used.
25. Provide a complete copy of the material data safety sheet for the material stored in the condensate tank.
26. Provide a complete copy of the material data safety sheet for the material stored in the natural gas liquids storage tank.
27. Provide a complete copy of the material data safety sheet for the material stored in the produced water tank.
28. During EPA's August 26, 2014, on-site evaluation of the plant with an infrared camera, emissions were identified coming from a hatch on top of the produced water tank. In addition, during EPA's May 16, 2012, on-site evaluation of the plant with an infrared camera, emissions were also identified coming from the same hatch on top of the produced water tank. Provide a detailed explanation as to why the emissions were coming from the produced water tank hatch on both occasions, a description of the corrective actions taken, and a description of the actions taken to prevent future occurrences.



**ENCLOSURE 5**

**STATEMENT OF CERTIFICATION**

I certify that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my personal inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Act, 42 U.S.C. § 7413(c)(2), and 18 U.S.C. §§ 1001, 1341 and 1505.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Date)

